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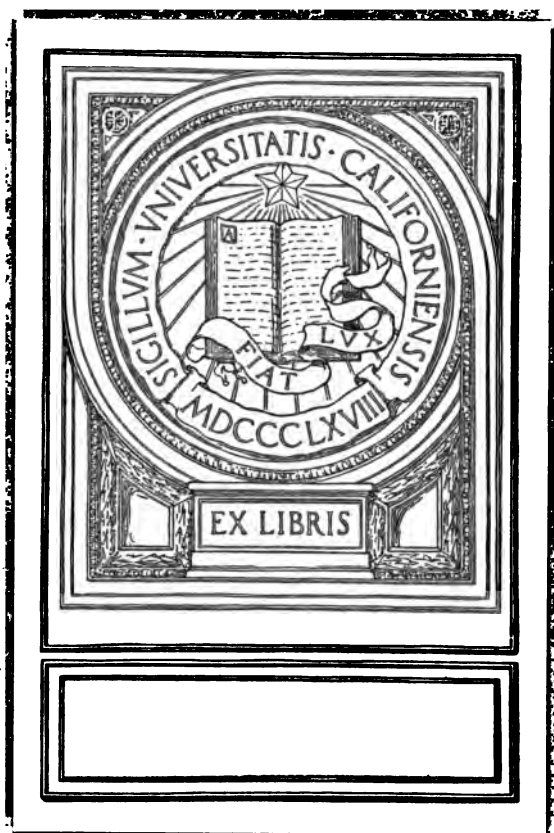
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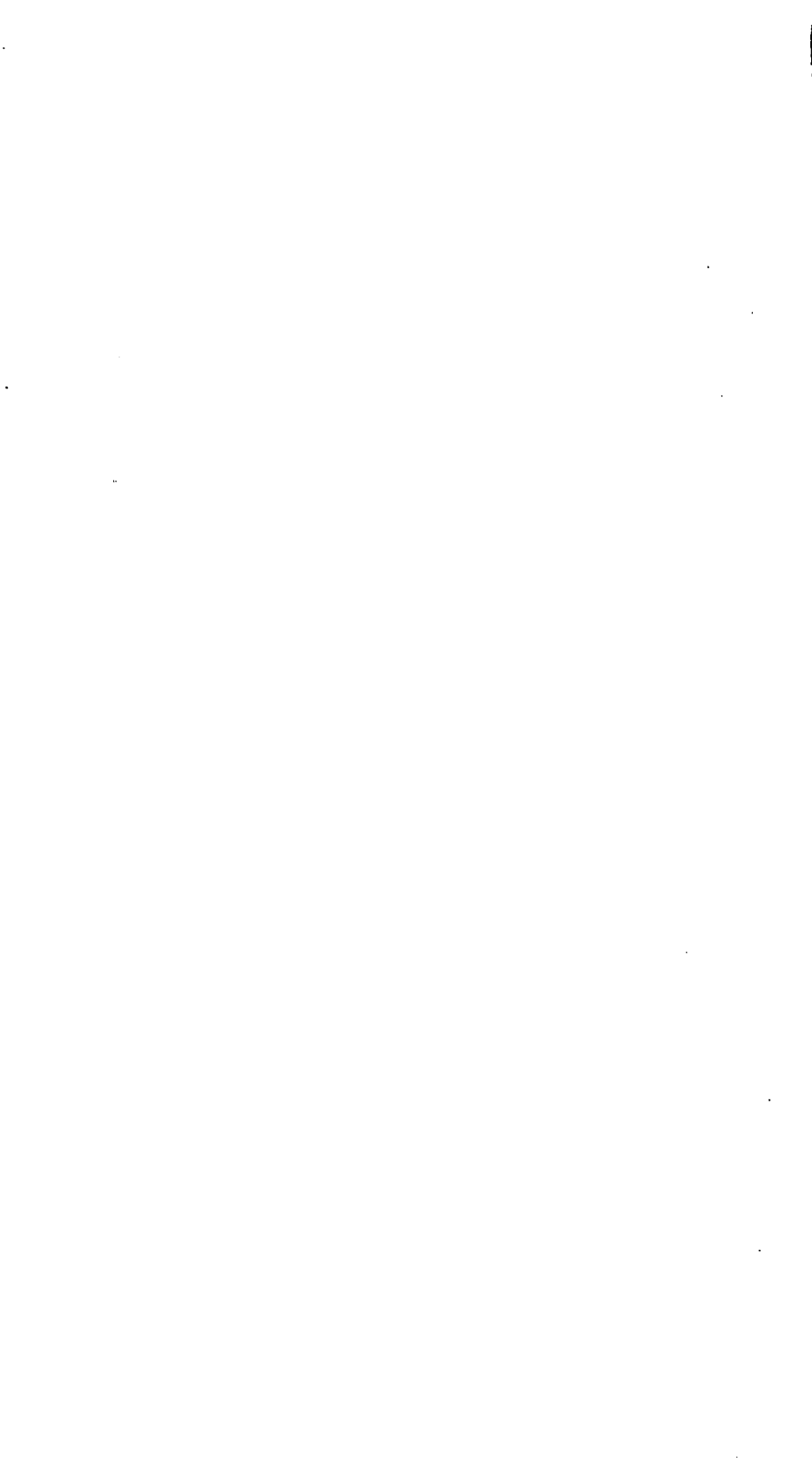
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AN
ACCOUNT
OF THE
STATE PRISON
OR
Penitentiary House,
IN THE
CITY OF NEW-YORK.

BY ONE OF THE INSPECTORS OF THE PRISON.

Benjamin Ledyard.

"A punishment to be just, should have only that degree of severity which is sufficient to deter others:—Perpetual labour will have this effect more than the punishment of death." BECCARIA.

NEW-YORK:
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1801.

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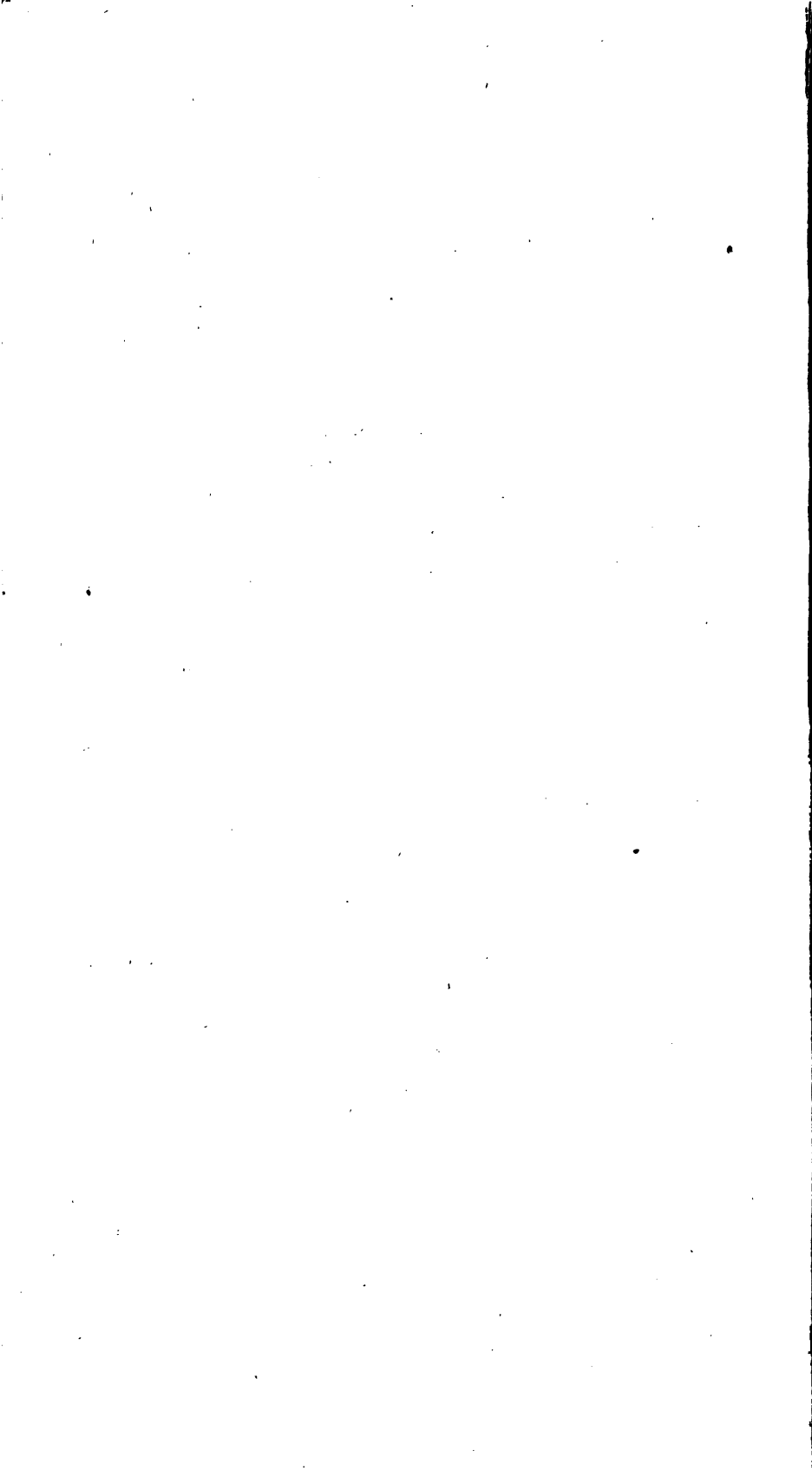
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“LIBERTY is in its highest perfection, when criminal laws derive each punishment from the particular nature of the crime. The knowledge acquired in some countries, *or that may hereafter be obtained in others*, in regard to the surest rules that can be observed in criminal judgments, is more interesting to mankind than any other thing in the universe. Liberty can only be founded on the practice of this knowledge.”

“The Christian Religion, which ordains that men should love each other, would without doubt have every nation blest with the best civil and political laws; because these are, next to this religion, the greatest good that men can give and receive.”

“In moderate governments, a good legislator is less bent upon punishing than preventing crimes: he is more attentive to inspire good morals, than to inflict punishments.”

MONTESQUIEU.



INTRODUCTION.

THAT branch of jurisprudence which treats of crimes and their punishment, is the most interesting and momentous in the whole code of laws. The peace, security and happiness of society depend on the wisdom and justice of the means devised for the *prevention* of crimes. In no nation have legislators bestowed that profound attention on this subject which its importance demands.

While civilization and refinement were changing the condition and manners of social life, the criminal codes of the nations of Europe retained a vindictive and sanguinary spirit, the growth of a rude and barbarous age. Benevolent and virtuous men saw and deplored the evils produced and perpetuated by unequal and cruel punishments; but the mild voice of reason and humanity reached not the thrones of princes or the halls of legislators. While the STATE was aggrandized by conquest, enriched by commerce, or ornamented by the productions of art, they thought not of the unhappy beings who suffered under the numerous oppressions of tyrannical laws.—While every object which encompassed *them* wore the aspect of splendour and felicity, their dazzled eyes were not

turned to those gloomy abodes where the victims of injustice languished in misery and despair.

The art of printing, by which one man, however private and obscure, is enabled to make himself heard by a whole people, prepared the way for reformation. MONTESQUIEU exposed the errors of legislators, and unfolded sounder principles of jurisprudence. The eloquent BECCARIA roused the attention of civilized Europe, and, by his unanswerable appeal to reason and humanity, produced those successive efforts to meliorate the systems of penal laws, which constitute the greatest glory of the present age. HOWARD,* the active and indefatigable friend of man, by exploring the prisons and dungeons of Europe, and, from their dark and unvisited recesses, bringing to light the enormous abuses and dreadful miseries produced

* The eulogium pronounced on this benevolent character by the most eloquent man of any age, cannot be too often quoted. "I cannot," says BURKE, "name this gentleman (Howard) without remarking, that his labours and writings have done much to open the eyes and hearts of mankind. He has visited all Europe,—not to survey the sumptuousness of palaces, or the stateliness of temples; not to make accurate measurements of the remains of ancient grandeur, nor to form a scale of the curiosity of modern art; not to collect medals, or collate manuscripts;—but to dive into the depths of dungeons; to plunge into the infection of hospitals; to survey the mansions of sorrow and pain; to take the gauge and dimensions of misery, depression, and contempt; to remember the forgotten, to attend to the neglected, to visit the forsaken, and to compare and collate the distresses of all men in all countries. His plan is original, and it is as full of genius as it is of humanity. It was a voyage of discovery, a circumnavigation of charity. Already the benefit of his labour is felt more or less in every country, and I hope he will anticipate his final reward by seeing all its effects fully realized in his own. He will receive, not by retail but in gross, the reward of those who visit the prisoner, and he has so forestalled and monopolized this branch of charity, that there will be I trust little room to merit by such acts of benevolence hereafter." [*Speech at Bristol, previous to the Election in 1780.*]

by cruel laws and their corrupt administration, more powerfully awakened the feelings of humanity and justice, by which the legislator is enabled to complete the great work of *correction*.

But while the names of MONTESQUIEU, BECCARIA and HOWARD, are repeated with gratitude and admiration, the legislators and philanthropists of our own country deserve not to be forgotten. The History of Pennsylvania presents to our view a man who claims the praise of being the *first* to frame and propose a criminal code from which the punishment of death was excluded, except in the single case of premeditated murder, and by which each crime received a punishment equitably proportioned to the degree of its enormity.

In England, where secret accusations, secret and mock trials, torture, and all the cruel contrivances of superstition and despotism to confound and destroy alike the innocent and the guilty, were unknown; where the excellent institution of a trial by jury, and humane and wise forms of legal proceedings were established for the protection of the accused; where liberty was defended by law, and cherished by the spirit and manners of the people; even in that enlightened country there existed a scale of punishments as sanguinary and unjust as any in Europe. The criminal delivered to imprisonment was often forgotten by the laws, and suffered an aggravation of his chastisement in the loathsome horrors of his prison, and the extortions and oppression of his keepers. No adequate distinction was made, in the distribution of punish-

ments, between a poacher and a parricide, between him who filched a loaf to satisfy the cravings of hunger, and him who first robbed and then murdered his benefactor.* The colonies of England adopted in general the civil and criminal laws of the parent state. In some, the spirit of freedom which animated the first adventurers, fugitives from civil and religious tyranny, produced changes, and the gradual formation of a milder and more equitable system of penal laws.

WILLIAM PENN,† actuated by the pure principles of a Christian and a philosopher, listening to the simple suggestions of humanity and justice, constructed the equitable code just mentioned, which he boldly enacted and transmitted to England to receive the royal assent, although the charter for the establishment of his colony expressly enjoined the introduction of the English laws. Assent to the new system was refused by the king, yet it was continued in force by the colonial legislature for thirty-five years. Disputes took place between the crown and the governor of Pennsylvania, concerning the ordinance requiring the officers of the government to take an oath instead of an affirmation. This contest, which kept the colony in a ferment for many years, was at length termi-

* Blackstone's Commentaries, Vol. IV. *passim*, and page 18. "It is a melancholy truth, that among the variety of actions which men are daily liable to commit, no less than *one hundred and sixty* have been declared, by act of parliament, to be felony without benefit of clergy; or, in other words, to be *worthy of instant death*." The number of capital punishments has been considerably augmented since the publication of the Commentaries.

† See Proud's History of Pennsylvania, Bradford's Enquiry, &c.

nated by the legislature, who consented to exchange their favourite plan of penal laws for that of the mother country. In return for this concession, the crown yielded the right of affirmation to such as conscientiously refused to take an oath.

Though restrained for a time, the spirit of reform revived with the revolution; and, strengthened by the discussions of the general principles of freedom, and the writings of BECCARIA and others, at length produced that system of punishment for crimes, which reflects so much honour on that State. The new penal laws of Pennsylvania, its prisons and penitentiary house, their progress, internal economy, and management, have been already made known by several publications.

When NEW-YORK became an English colony, the laws and institutions of England were introduced and continued in their full extent and rigour. This favourite child of the crown reflected more strongly than any other the image of its parent. Even after the revolution, when the spirit of liberty led to inquiries favourable to principles of moderation and justice, the criminal code of this State was distinguished for its severity. It was not to be expected, that a people enamoured of freedom and a republic, should long acquiesce in a system of laws, many of them the product of barbarous usages, corrupt society, and monarchical principles, and imperfectly adapted to a new country, simple manners, and a popular form of government.

Before giving an account of the changes that have been made in that system, it will be proper to exhibit, briefly, the several punishments as they existed antecedent to the year 1796. By a law, which bears date February 1788, the following crimes are declared punishable with death: 1. Treason; 2. Misprision of treason; 3. Murder; 4. Rape; 5. Sodomy; 6. Burglary; 7. Feloniously taking goods and chattels out of any church or place of public worship; 8. Feloniously breaking any house, by day or by night, any person being in the house, and thereby put in fear; 9. Robbing any person in the dwelling-house or place of such person, the owner, dweller, his wife, children, or servants being in the same, or within the precincts thereof, sleeping or waking; 10. Robbing any person; 11. Feloniously taking away goods or chattels from a dwelling-house, the owner or any other person being therein, and put in fear; 12. Robbing any dwelling-house in the day-time, any person being therein; 13. Robbing any person or persons in or about the highway; 14. Arson, or the wilful burning any house or barn; 15. Malicious maiming and wounding another; 16. Forgery, or counterfeiting any record, charter, deed, writing, sealed will, testament, bond, bill of exchange, promissory note for the payment of money, indorsement or assignment thereof, acquittance or receipt for money or goods, any bill of credit or public securities issued by congress or any of the United States, or any gold or silver coin current in the State.—The conviction of all which felonies was accompanied with a forfeiture of the goods and chattels, lands, tenements, and hereditaments of

the felon. All other felonies were for the *first* offence punishable by fine, imprisonment, or corporal punishment, or all or either of them at the discretion of the court. For the *second* offence the offender was to suffer death. These felonies consisted of various thefts not of the preceding description, amounting to *Grand Larceny*, that is, above the sum of five pounds; Stealing any record, process, &c. out of the office of the Secretary of State, or of any of the Courts of Record; Levying a fine, suffering a recovery, or acknowledging any deed, recognizance, bail or judgment, in the name of another not privy or consenting thereto; Embezzlement of his master's goods by a servant or apprentice above eighteen years old to the amount of twenty shillings; Forcible abduction, marrying, or defiling a woman; Carnal knowledge or abuse of any child under ten years of age, &c.

In 1794, one of our citizens who was well acquainted with the plan and economy of the new penitentiary house in Philadelphia, convinced of the beneficent effects of a system which, fixing a just proportion between crimes and punishments, afforded room for the exercise of benevolence in the work of reformation, became solicitous to extend the benefits of such a scheme. He procured a number of copies of a report on the criminal code of Pennsylvania,* with an account of the penitentiary there, and transmitted them to two of the members of the legislature of New-York, then sitting in Albany, with a request that they might be distributed

* By William Bradford, Esq. one of the Judges of the Supreme Court of Pennsylvania.

among the members, who, on their return home to their respective counties, might communicate them to the people, whose attention would thus be called to a similar reformation in their own laws. The same citizen, in 1795, made several visits to the prisons in Philadelphia, for the purpose of obtaining complete and satisfactory information of the operation and effects of the new system of punishment established, in which he received ample assistance from his worthy and intelligent friend **CALEB LOWNES**.

The result of these inquiries was communicated by him to General SCHUYLER, a distinguished member of the Senate of this State. This public-spirited senator, perceiving the great importance of the subject, and the wisdom of an experiment so loudly demanded by humanity, visited, in company with the same person, the Philadelphia penitentiary, and witnessed, with surprise and satisfaction, the spirit of wisdom and benevolence which presided in that institution; the cleanliness, decency, order, and tranquil industry which prevailed in every part. With minds deeply impressed with what they had seen and heard, they returned to the city of New-York, where the legislature were then convened. A few citizens, actuated by the same sentiments were consulted, and a plan of reform, in a bill "for making alterations in the criminal laws of the State, and the erecting of state-prisons," was prepared by General Schuyler, and in four days after his return, was presented to the Senate. The bill was introduced by an able and animated speech of the mover; and after being powerfully

supported by several members,* was carried, with only one dissenting voice; and in the house of assembly with but nine opposing votes. This bill, after passing the usual forms, became a law on the 26th March, 1796.†

By this law, which has received several amendments since it was enacted, all those crimes, (excepting treason and murder, which continue capital) that were before punished with death, are now punishable with imprisonment for life in the State-Prison; and, if the Court think fit, the criminal may be sentenced also to hard labour or solitary confinement, or both. All offences above the degree of *petty larceny*, and not included in the above description, or otherwise punished, and stealing from a church, (before a capital offence) are made punishable for the *first* offence with imprisonment in the State-Prison to hard labour or solitude, all or either of them, at the discretion of the Court, for a term not exceeding *fourteen years*. For the *second* offence the punishment is increased to imprisonment for life, hard labour or solitude, or both. *Petty larcenies*, buying and receiving stolen goods, &c., obtaining money, goods, &c. by fraud under false pretences, for the *first* offence

* Among these, AMBROSE SPENCER, Esq. particularly distinguished himself as a most zealous friend to the proposed reform.

† By this law, two state-prisons were directed to be built; one at New-York, and the other at Albany. The plan of a prison at Albany was afterwards relinquished, and the whole of the money appropriated for both prisons was directed to be applied to the one in the city of New-York. JOHN WATTS, MATTHEW CLARKSON, THOMAS EDDY, JOHN MURRAY, jun. and ISAAC STOUTENBURGH, were appointed Commissioners for building the prison.

are subjected to imprisonment, hard labour, or solitude, or both, or imprisonment only, as the Court may direct, for a term not exceeding one year; persons guilty of a *second* offence have their punishment augmented for a time not exceeding three years.

Persons sentenced to imprisonment for any time less than *twelve* months, are confined in the county gaols, and cannot be sent to the State-Prison.

Corporal punishment is wholly abolished; and no conviction or attainder for any crime, except treason, can work any *forfeiture* of goods, chattels, lands, tenements, or hereditaments, or any right therein; and all forfeitures in nature of *deodands*, and in cases of suicide, or flight from justice, are done away.

To prevent escapes, by a law in alteration of the first law, persons sentenced for life, who break out and escape from the prison, and commit any felony above the degree of *petit* larceny, are punishable with death. Convicts sentenced to imprisonment for a term of years, who break out of prison, and are afterwards retaken, are to undergo imprisonment for a period double the time specified in the original judgment, to commence from the time of the last conviction, though at the time of being retaken, the original term had expired; and as often as any person, not adjudged to imprisonment for life, shall escape from prison, the period for which he was sentenced shall commence anew from the time of his escape.

The friends of reform were sensible that the new law was imperfect. The substituting of imprisonment for life for the punishment of death in certain cases, did not alter the relative proportion of punishment for crimes of different degrees of malignity;* and if guilty a *second* time of the same offence, though in degree inferior to the highest crime, the criminal is subjected to the highest penalty. Great changes, however, in matters so deeply interesting to the community, should not be too suddenly made. The work of reformation is slow, and must encounter many and strong prejudices, and the force of long-established opinions. It was prudent to listen to the voice of those who advised a forbearance of further change till experience had fully ascertained the advantages and defects of the new system. These will be gradually developed in the progress of the experiment; but many years are necessary to its completion. A slight acquaintance with the nature of man and the history of society is sufficient to convince the considerate and dispassionate observer, that the full effects of an institution of this kind cannot be felt, nor the trial of its wisdom and efficacy be fairly and satisfactorily made, until after a long and persevering attention to its management and operations.

* In the criminal code of JOSEPH II. Emperor of Germany, signed January 1787, the punishment of death is not to be found. High treason is punished by thirty years imprisonment, confiscation of property, and branding. Murder and other offences against human life and bodily safety, are punished by imprisonment for thirty, fifteen, twelve, eight, and five years, according to the different degrees of turpitude.

"If an equal punishment be ordained for two crimes that injure society in different degree, there is nothing to deter men from committing the greater, as often as it is attended with greater advantage." (Beccaria.)

It is to be lamented, that many good citizens, feeling a just abhorrence at crimes, consulting the suggestions of virtuous indignation, rather than the principles of justice, become impatient that the alteration of the penal code has not yet produced greater and more decided effects, ~~and diminished~~ the number of the guilty. They, sometimes, even express a regret at the change which has been wrought in our laws, and returning to a system of accumulated severity and terror, wish to see every offence against life and property punished with death; as if crimes would cease with the extermination of the criminal. But let such turn their eyes inward upon their own hearts, and analyze the source from whence such wishes arise. Let them consider the effects produced on society and manners by the rapid increase of wealth and luxury, natural population, and emigration, which consequently augment the number of crimes, whether the laws be mild or sanguinary. Let them consult reason, and the experience of the most enlightened nations, which prove beyond all contradiction, that crimes are most frequent where the laws are most rigorous; that punishments *mild* and *certain* more effectually prevent crimes than those which are sanguinary and severe. Let them at least examine, before they condemn, a system sanctioned by different legislatures, prudent and enlightened, and applauded by the wisest and best men in all civilized countries.



AN
ACCOUNT
OF THE
STATE PRISON.

SECTION I.

Description of the Edifice, Workshops, Cells, &c.

THE prison, of which it is proposed to give an account, is situated on the east bank of the river *Hudson*, about two miles from the City Hall. It was begun in the summer of 1796, and finished in 1797. The buildings and courts comprise four acres of ground. A more pleasant, airy, and salubrious spot could not have been selected in the vicinity of New-York. The west front overlooks the river, into which a spacious and convenient wharf has been extended beyond the prison wall. The upper apartments command an extensive view of the city, harbour, islands, and the adjacent country. The principal front is on Greenwich-Street, the centre of which is projected and surmounted by a pediment: there is a corresponding projection and

pediment in the west front. The whole length of the front is 204 feet, from each end of which projects a wing extending towards the river, and from them spring two other wings in the same direction, of less extent. There are two stories above the basement, each fifteen feet high. The roof is covered with slate, and the pediment is crowned with a handsome cupola. The walls are composed of free-stone. The whole fabric is of the Doric order, and contains fifty-four rooms, twelve feet by eighteen, for prisoners, sufficient for the accommodation of eight persons in each. In the north wing is a large room with galleries, neatly finished for a place of worship. The apartments in the centre of the edifice are appropriated to the use of the keeper and his family.

The women are confined in the north wing of the prison, on the ground floor, and have a courtyard entirely distinct from that of the men.

Had the rooms for the prisoners been so constructed as that each should lodge but one person, the chance of their corrupting each other would have been diminished, and escapes would have been more difficult. The prison need not, in that case, have been made so strong or expensive. Absolute reliance ought not to be placed on the strength of any prison, let their walls be ever so well constructed. Nothing will probably prevent escapes but the unremitting vigilance of the keepers, and a strict watch day and night.

At the end of each wing, and adjoining them,

is a building of stone for solitary cells. Each building contains seven cells. The cells are eight feet long, six feet wide, and fourteen feet high: the windows are eight feet from the floor. It would have been more secure if all the cells and the rooms in the wings adjoining had communicated with one and the same passage; since the same person who watched the wings might at the same time have attended to the cells. It was, probably, owing to this defect, that the escapes were made from the cells, which might have been prevented by a suitable watch.

Parallel to the front, along the rear of the yard, is a building of brick, two hundred feet in length, and twenty feet in breadth, two stories high, which contains all the work-shops. In the interior court are two pumps with excellent water, and a large basin supplied with water from the river, in which the prisoners frequently bathe during the warm season, for the purpose of cleanliness and health.

The whole is surrounded by a wall of stone twenty-three feet high on the river side, and fourteen feet high in front, extending in length on one side five hundred feet, and in breadth two hundred and seventy-nine feet.

The north side of this enclosure is allotted to keep fuel, and materials for the use of the prison. The area on the south side is appropriated to a garden, which is in excellent order, and produces all the vegetables wanted for the use of the prison, the keeper and his family.

The annexed *plates* will give a more exact idea of the extent and situation of the buildings, and the arrangement of the rooms. The whole expense of the ground, buildings, and wharf, was two hundred and eight thousand, eight hundred and forty-six dollars.

SECTION II.

Of the Inspectors.

THERE are *seven* Inspectors of the prison, appointed by the governor and council, during pleasure. They are required by law to meet once at least in every month. They meet once in each week to consult on the affairs of the prison; and, monthly, two of their number are selected as *visitors*. The persons thus designated must visit the prison once in each week, during the recess of the board of inspectors. It is their duty to inquire into and inspect the general state of the prison; to see that the keepers are attentive and faithful in the discharge of their several duties; that cleanliness, decency, and order are every where maintained; that the prisoners are treated with justice and humanity: to listen to their complaints and communications; to admonish the bad, applaud the good, and encourage all to amendment and reformation; and to give them such advice as may awaken virtuous sensibility, and promote their moral and religious improvement.

This occasional intercourse, in which the prisoners discover in their visitors the features of benevolence, not the contemptuous frowns of an unfeeling tyrant, has a tendency to encourage the well-disposed, and soften the hearts of such as are grown obdurate by reiterated crimes. While it represses the ferocious insolence of the hardened offender, it tranquilizes the tumultuous feelings of despair; and instead of gloomy indifference, depression, and contempt, excites emotions of hope and fear, attention and respect, which prepare the mind to receive impressions favourable to future amendment.

The Inspectors, with the Judges of the Supreme Court, or any two of them, the Mayor and Recorder of the city of New-York, the Attorney-General, and Assistant Attorney-General, are empowered to make regulations for the internal government and management of the prison. And the Governor, Lieutenant-Governor, Chancellor, and such Ministers of the Gospel, residing in the city, as have the charge of churches or congregations, are also allowed to visit and examine the prison at their pleasure. Every day either the visiting inspectors, the agent, who is also an inspector, or some of the board not on duty, and others occasionally, visit the prison. In the second week of the terms of April and July, when the Supreme Court is held in the city, visitations are made by the Judges, who inquire into the state and progress of the establishment.

And it is a circumstance not less honourable to them than evincive of the soundness of the princi-

ples of the institution, that they have hitherto been its zealous friends, and disposed to promote its success by their countenance and advice. Their situation, while it renders them familiar with criminals, and enables them to decide with greater certainty on the operation of human punishments, is also favourable to those habits of deliberation and enlightened foresight, so necessary in pronouncing on the wisdom or success of new experiments in the system of penal laws.

With this system of visitation and inspection, it is hardly possible that abuses and corruptions should creep into the administration of the prison, or should they arise, they cannot be long unnoticed or unreformed.

The *Inspectors* or the Agent purchase all the articles required for the use of the prison, the raw materials for manufacture, and the tools and implements necessary in the several occupations. A regular account of all these purchases is kept, and, annually, a report is made by the Inspectors to the legislature of the condition of the prison, the number and description of the convicts received during the year, discharged, and remaining in confinement; an account of the sums expended for the maintenance of the prisoners, for raw materials, tools, &c. and of the monies received from the state, and arising from the sale of the manufactured articles.

No salaries are paid to the Inspectors. Actuated by principles of benevolence, and a love of justice and humanity, they have offered the vo-

luntary contribution of their services. They have fought no other recompense than those feelings which accompany the exertions of good men for the benefit of society.

The AGENT appointed to purchase cloathing and materials, and for the disposal of the manufactured articles, is allowed a salary of fifteen hundred dollars a year. As the nature of his office leads him daily to the prison, he ought to be selected from the board of Inspectors; otherwise, as it is necessary that one of the Inspectors should attend at the prison every day, that he may be intimately acquainted with its concerns, and ready to advise and direct in a variety of things which should not be left entirely to the keeper, another salary would be requisite as a compensation for this extraordinary service. As this is now performed by an agent who is also an Inspector, a considerable sum is annually saved.

The Inspectors have a *clerk*, who resides at the prison, and is allowed five hundred dollars a year. He transcribes the minutes and orders of the board; and, in books provided for that purpose, enters the names of the prisoners received and discharged; keeps an account of the labour performed by each prisoner, and charges him with his cloathing and diet: and also an account of articles brought into the prison for the maintenance of the convicts, and for the purpose of being manufactured.

When a prisoner is dismissed from confinement,

his account is made out and laid before the Inspectors; and his name, with a description of his person, and the mode of life he intends to pursue, is transmitted to the police magistrates.

Though, in the commencement of this establishment, persons have been found willing to undertake the gratuitous management of its concerns as Inspectors; yet some may imagine, that without the inducement of considerable salaries, or the usual motives of interest, it will be difficult hereafter to obtain a competent number qualified for the execution of such an office. It cannot be denied, that the efficacy and success of this new experiment in penal law, will, in a great degree, depend on the board of Inspectors; but it is highly probable, that, in a city so populous as New-York, men may always be found, endued with that benevolence and zeal which such a cause demands, who will be ready to devote gratuitously a portion of their time and talents to a service so honourable to them and beneficial to the community.

The entire *custody* of the prison and the convicts is committed by law to the Inspectors, who are authorized to appoint and remove the *keepers* at their pleasure.

SECTION III.

Of the Keeper and his Assistants.

THE principal keeper is obliged to take an oath or affirmation for the faithful execution of his office, and to give security for the performance of the duties required of him. He is allowed a salary of eight hundred and seventy-five dollars a year, with his board and the necessary apartments for himself and his family in the prison; but no fees or perquisites of any kind is he permitted, on any account, to receive.

It is of the highest importance, that an officer on whom the safety of the prison and the success of the institution so essentially depend, should be a person of respectability, and endued with qualities adapted to so difficult and arduous a duty. A salary, therefore, ought to be given, in some degree, proportioned to the great care and responsibility attached to the office, and which may command the services of a suitable character. By a competent and fixed salary, while fees and the prices of indulgences of any kind are strictly prohibited, all temptations to extortion and abuse, so frequent and enormous in the prisons of other countries, are entirely prevented.

A keeper should be a person of sound understanding, quick discernment, and ready apprehension; of a temper cool, equable, and dispassionate; with a heart warmed by the feelings of benevo-

lence, but firm and resolute ; of manners dignified and commanding, yet mild and conciliating ; a lover of temperance, decency, and order ; neither resentful, talkative, or familiar ; but patient, persevering, and discreet in all his conduct. While the unhappy wretches committed to his care and subjected to his power are regarded as susceptible of being influenced by their fellow men, and capable of reformation, he should never treat them with harshness, cruelty, or caprice, nor thwart or irritate them in trivial matters ; but, on all occasions, while he makes himself feared, he should, by a mild and temperate behaviour, by visiting the sick, inquiring into their wants, and occasionally supplying them with little comforts, and speaking kindly to those at work, endeavour to gain their affection and respect. Though, in order that he may be on his guard against their machinations, he should consider them as wicked and depraved, capable of every atrocity, and ever plotting some means of violence and escape ; yet he should always be convinced of the possibility of their amendment, and exert himself in every way to promote it.

He ought, however, to be prompt in punishing every offence against the rules and orders of the prison, and suffer no improprieties of conduct to pass without animadversion ; for the slightest negligence in this respect might lead to greater offences, and be attended with serious consequences. In the infliction of punishment, he should be calm and inflexible, without anger, so

that he may convince the offender that he acts, not from passion or vengeance, but from justice.

He should frequently visit every part of the prison, the work-shops, kitchen, hospital, &c. that he may detect any irregularities which may be committed.

No keeper or assistant-keeper is permitted to strike a prisoner. If he is a person of good understanding, he will perceive how much his influence must be diminished by any indulgence of anger, and be content with the sober exercise of the power entrusted to him.*

At each weekly meeting of the Inspectors, the keeper presents a written report specifying the number of convicts in the prison and their various employments; how many have been received or discharged; the number of the sick, and of those who are confined in the solitary cells; and, in general, all the occurrences which have taken place in the prison, since the last meeting of the Inspectors.

The number of *Assistant Keepers*, at present, consists of twelve, who are allowed each a salary of two hundred and fifty dollars a year, with diet, lodging, and washing. One of the assistants is designated by

* "Prisoners are made desperate by the profaneness, violent hasty temper, inhumanity, and ill usage of their keepers. That convicts cannot be governed, is certainly erroneous:—the most desperate may generally be managed by exercising a calm, quiet, and steady mode of conduct, and, when they behave well, with great kindness and humanity; and when sick, let them be treated with tenderness." Howard.

the Inspectors as a *Deputy Keeper*, who, in case of vacancy in the office of principal keeper, is invested with all his powers, and is to execute all his duties, and is allowed a salary of four hundred dollars a year. The deputy keeper delivers all the clothes to the prisoners, has the charge of all the household furniture, provisions, &c. daily inspects the gratings of the windows, the walls, floors, &c. to see if any attempts have been made to escape.

The assistant keepers have separate stations assigned them, and keep alternate watch during the night. It is their peculiar duty to see that all the orders and regulations respecting the prison are strictly observed; that all the apartments, halls, &c. are kept clean; that the men are attentive to their respective occupations; and that no noise, swearing, indecent language, or disturbance, is permitted. In case of any misbehaviour, however trifling, they must take the offenders, without delay or contention, to the keeper, for the purpose of being sent to the solitary cells, if he shall be thought to deserve punishment.

As the prisoners are punished for indecent language and misbehaviour, it is essential that the keeper and his assistants should wholly abstain from every impropriety of speech and conduct: for it is in vain to expect good manners in the convicts, when those who are set over them exhibit examples of the very vices they are required to chastise and correct.

The Inspectors are careful to inform those who

are appointed keepers, that, should they be found guilty of those vicious practices, they shall be dismissed. It is difficult to find keepers of sufficient zeal to admonish the prisoners against such conduct, or to punish them when guilty. When, however, their negligence or connivance is discovered, they are sure to be discharged.

The assistant keepers, who also perform the duties of *Turnkeys*, are without arms of any kind, since no punishment is allowed to be inflicted, except solitary confinement. In the selection of assistant keepers, great care is taken to employ those only who are temperate, vigilant, and faithful, and who will set no example of that irregularity, indecency, or misconduct, which is so strictly prohibited in the prison.

In consequence of some escapes, the legislature at the last session authorized the Governor, or the person administering the government, to raise a guard, to be called "The State-Prison Guard." It is under the sole direction of the Mayor of the city of New-York, and is to obey all his orders and regulations for guarding the prison, or arresting those who may escape.

The annual expense of this guard will be about seven thousand dollars. Though the security of the prison is of the highest consequence, since the efficacy of mild punishments depends on their certainty; yet it is probable, that an increase of the number of keepers, and a more perfect arrangement of them, would have been equally effectual

to that security, and would create not half the additional expense of the present guard.

The distance of the prison from the thickly inhabited parts of the city, is a circumstance which at present renders escapes more easily to be effected. Considering the rapid increase of New-York for the last ten years, it is probable that in double that portion of time, the State-Prison will be the middle point of the western part of the city, and be environed with well-built streets. In that event, and with the aid of a more perfect experience, it is expected that the prison may be rendered more secure, and the present additional expense saved.

But should this expectation never be realized, the advantage which must result to the community from the certainty of punishment in the perfect security of the prison, must, in the mind of every considerate person, far outweigh the circumstance of the expense of an increased number of keepers, which, after all, may possibly be defrayed out of the profits arising from the labour of the convicts themselves.

SECTION IV.

Of the Prisoners ; their general treatment, occupations, dress, diet, and means of reformation.

WHEN a convict is first received into the prison, he is put into a room, appropriated solely to that use, where he is immediately stripped of all his clothes, and obliged to wash and clean himself. He is then dressed in a new shirt, trousers, jacket, shoes and stockings, the uniform of the prison. He is then asked what kind of work he is fitted to perform, or is inclined to undertake ; and the next day commences his course of labour. If the prisoner is ignorant of any of the branches of industry established in the prison, which is generally the case, or refuses to select any, the keeper decides, and he is compelled to learn of those who are already skilled in the particular manufacture, to which he is apprenticed. His name, crime, time of conviction, and sentence, with a description of his person, are entered in a book ; and the Inspectors collect all the information that can be obtained of his former character and course of life, the circumstances attending his trial, and evidence of his guilt, or whatever may enable them to form a judgment of the degree of his depravity. This previous knowledge is necessary to guide them in their treatment of the prisoner during his confinement ; and to prevent a premature or mistaken indulgence or severity towards him.

The well-behaved are allowed once in three months to see their wives and connections in presence of a keeper.

The keeper is empowered to punish the convicts for assaults, profane cursing and swearing, indecent behaviour, idleness or negligence in work, wilful mismanagement, or disobedience to lawful orders. This punishment consists in the confinement of the offender to one of the solitary cells, and feeding him on bread and water only, for such time as any two of the Inspectors may think necessary and reasonable. The form of these cells has already been described. The convict who is sent to them for misbehaviour or contumacy is allowed neither bed nor seat; and the window is so high that he can neither see nor converse with any person. Surrounded with naked walls, he is left in solitude to ruminate at leisure, without any external object to engage his attention or amuse his senses. In this situation, with his thoughts continually directed to his present condition and past conduct, he may sooner or later perceive the wickedness and folly of his former course of life, feel the bitter pangs of remorse, and be disposed to future amendment.

At first, the Judges, in some instances, exercised the power given them by the law, of sentencing the convicts to solitary confinement as a punishment for the crimes they had committed; but, afterwards, this was thought to be needlessly severe; and as the state was thereby deprived of the benefit of their la-

bour, that punishment, though it may make a part of the sentence which follows conviction, is not now inflicted of course, but is left to be imposed by the Inspectors on such only as are otherwise refractory and incorrigible.

EMPLOYMENT.—Two years elapsed after the prison was opened for the reception of convicts, before the outer walls were built, and the work-shops completed, so as employment could be found for all. The first kind of labour introduced was the manufacture of shoes and boots. Under the instruction of a prisoner sentenced for life, who was a skilful shoemaker, it was matter of surprise to observe with how much rapidity those who were before wholly ignorant of the trade, learned to become excellent workmen. On account of their sedentary occupation, they are allowed occasionally to walk in the court-yard for the benefit of air; and if their health is materially affected by sitting at the work-bench, they are transferred to some more active employment.

Working in iron, as blacksmiths, and cutting nails, afford employment to a considerable number. These, with the carpenters, weavers, coopers, taylor, &c. perform their several labours in the shops, in the rear of the great court, which are erected for that purpose. One of the convicts, of the best character and well qualified, is elected to superintend each of those manufactures.

The branches of industry at present established,
and the number of men employed, are,

Shoemakers,	96	
Cutting out shoes,	5	
Binding do.	8	
	—	109
Cutting nails,	14	
Heading do.	40	
	—	54
Blacksmiths,	6	
Attending nail dies,	3	
Filing do.	2	
Grinding do.	6	
Drilling do.	2	
Carpenters,	6	
Tailors,	6	
Stocking-weavers,	2	
Making needles for do.	1	
Spinning, &c.	15	
Weavers,	5	
Gardeners,	2	
Common labourers,	8	
Cooks,	7	
Waiters,	4	
Do. in the halls,	8	
Superintendants of kitchen, &c.	4	
Barber,	1	
	—	251

All the linen and woollen cloth and stockings,
for the use of the convicts, are manufactured by
them.

It is highly necessary that the convicts should be kept sufficiently close to their work, so as to fulfil the end of their punishment, which subjects them to *hard* labour. It is to this they are sentenced, and if rigorously enforced, it will tend to prevent those who are discharged, as well as others, from the commission of crimes. For while one object is pursued, another must not be forgotten. While the punishment operates towards the amendment of the criminal, it should by its example produce a salutary dread on the minds of others.

Each convict is charged with the clothes furnished him, the expenses of his transportation from the county in which he was convicted, and fifteen cents a day for his maintenance. A clerk, who is one of the convicts, keeps a daily account of each man's labour, and makes a weekly return thereof to the clerk of the prison, who enters the same to the credit of the prisoner. When the convict is discharged, his account is made out by the clerk of the prison, and laid before the Inspectors, who are authorized by law to make him such allowance as may, in their opinion, be proper. In estimating the justice or expediency of this compensation, the Inspectors take into consideration the character of the person before his conviction, his behaviour during confinement, the general disposition he has manifested, and the quantity of labour he has performed. If, on the whole, it appears probable that he may make a bad use of the money, they give him one or two dollars only, though he may have earned a considerable sum. If, on the contrary, his

habits appear to be such as to induce a belief that he will make a good use of money, a larger sum is allowed him.

The Inspectors having, in several instances, been deceived in the subsequent conduct of those who promised to do well, have, of late, adopted in some cases the following rule: on the discharge of a prisoner who appears meritorious, a trifling sum is given him, and a promise in writing by the Inspectors to pay him the residue of such sum as is agreed upon; provided, that at the expiration of three months after his discharge, he shall produce a certificate, signed by creditable citizens, to the satisfaction of the Inspectors, that he has, during that period, behaved orderly, soberly, and industriously; otherwise the promise to be void.

Some of the assistant keepers oversee the different work-shops, and take care that the men are not remiss or inattentive to their work. All swearing, singing, whistling, idle or indecent conversation, are strictly prohibited; nor are they permitted to leave the work-shop where they are placed. In each work-shop or room, these rules, written in conspicuous and legible characters, are hung up, that no person may pretend ignorance of them.

At sun-rise, all the convicts are called up by the assistant keepers. Each room is supplied with a pail of fresh water and a coarse towel, and each prisoner is obliged to wash his hands and face.

At six o'clock in summer,* they are summoned to their respective occupations. Two assistant keepers are constantly within the prison with the shoemakers; and one with the women who are employed in washing, spinning, sewing, &c. At the hour of eight, at the sound of the bell, the assistant keeper conducts the men to their breakfast, prepared in one of the spacious *corridors*; and those who work in the court-yard are led to a large dining-room above the kitchen. To prevent any noise or confusion about places, each man sits in the same place every day. After being seated a short time, they commence their meal at a signal given by the keeper. These meals are taken in silence, and when all are observed to have finished, they are conducted by the keepers to their respective stations. The same order is observed at dinner and supper; after which they are locked up in their several apartments. When day-light disappears, a small lamp is lighted in each room and in the halls; and then the assistant keepers go on watch in the halls, and corridors, which command a view through grated doors of each apartment: they walk to and fro during the night, dividing the watch between them.

Two watch-houses are erected adjoining to, and on the outside of the walls on the north and south sides, which overlook the whole interior court and work-shops, and in which assistant keepers are stationed while the men are at work.

* On account of the distance of the prison from the city, it was not thought prudent to permit the prisoners to leave their rooms at an earlier hour.

The rooms in which the prisoners remain during the night, and when they are not at work, have each a grated window which looks into the outer court-yard, and an iron grated door opening into the corridor, in which are other windows towards the interior court, so that a free circulation of air can be maintained through each apartment. Eight persons are confined in each room, and are allowed four beds, so that two sleep in one bed. Their beds are made of tow cloth stuffed with straw, which is changed once in six or eight weeks, and are inclosed in a kind of wooden boxes which fold up during the day. This mode of lodging appears objectionable; each prisoner ought to have a separate bed, consisting of a bedstead of iron, a mattress of hair, or of some other durable and elastic materials. Such beds would be more expensive at first, but they would last long, and be more conducive to health. If practicable, a less number of convicts should be put into one room. Indeed the separation of the criminals from each other during the night is a matter of so great importance, that it is desirable that an immediate improvement should be made in this respect. The rooms are swept every day, and washed once a week, as is every other part of the prison, which vies, in cleanliness, with any private dwelling under the management of the most notable housewife. All the rooms in the prison are white-washed with lime and water twice every year; and during the summer season the rooms are frequently white-washed round the walls about four feet high. Each apartment is furnished with a bible, some

religious books, a night-table and a box of sand; no prisoner is allowed to spit on the floor.

DRESS.—The summer dress of the convicts consists of a jacket and trowsers made of linen cloth of a brown colour. The dress worn in winter is of the same form and colour, and made of woollen and linen cloth. These clothes are all made in the prison. A clean shirt and trowsers, and in the winter, stockings, are given to each prisoner the last day in every week. Flannel shirts are generally furnished them, particularly to such as are of a weak constitution. If a convict is imprisoned a second time, he is distinguished by a dress one half red and the other half blue.

DIET.—The food of the prisoners usually consists of a *breakfast*, made of rye burnt and prepared like coffee, sweetened with molasses; and bread made of equal portions of rye and Indian meal; a *dinner* of soup composed of ox-heads and offals, with potatoes and bread; and a *supper* consisting of *mush* (hasty-pudding) and molasses, or of Indian pudding and molasses. The soup sometimes consists of pork and peas. From the tenth to the sixth month they are furnished with potatoes. In the seventh, eighth, and ninth months, soup made of clams, or codfish and potatoes, are given them every other day; as it has been found that a constant diet of fresh provisions produces several disorders during the warm season.*

* For the same reason the quantity of molasses is diminished during the warm summer and fall months.

The composition and cost of these daily meals may be seen in the following tables.

No. I.

BREAKFAST, 8th month (August) 3d, 1800, for 235 persons.

Ingredients.	Cost.	
	Dolla.	Cts.
1 peck of rye,	0	25
6 $\frac{1}{2}$ quarts of molasses,	1	2
130 lb. bread of rye and Indian,	1	95
Fuel used in cooking,	0	8
	<hr/>	
Total	3	30

One cent, 4 mills for each person.

No. II.

DINNER, 7th month (July) 29th, 1800, for 225 persons.

Ingredients.	Cost.	
	Dolla.	Cts.
17 ox hearts,	0	93 $\frac{1}{2}$
7 ox heads,	1	9
6 lambs plucks,	0	19
1 peck of potatoes,	0	15
3 lb. Indian meal,	0	4 $\frac{1}{2}$
3 lb. falt,	0	4 $\frac{1}{2}$
$\frac{1}{4}$ lb. pepper,	0	10 $\frac{1}{2}$
110 lb. bread,	1	65
Fuel expended in cooking,	0	24
Sundry herbs from the garden,		
	<hr/>	
Total	4	45

Nearly 2 cents for each person.

The ox heads, &c. were first boiled, then taken out of the boiler, separated from the bones, and cut into small pieces and put into the *same water*; and the whole kept over the fire until fully done. This dinner was very palatable, and much liked by the prisoners.

No. III.

SUPPER, 8th month (August) 6th, 1800, for 218 persons.

Ingredients.	Cost.		
	Dolls.	Cts.	Mills.
36 $\frac{1}{2}$ lb. Indian meal for mush, (hafty pudding)	0	54	7 $\frac{1}{2}$
1 $\frac{1}{2}$ lb. falt,	0	3	0
61 lb. bread,	0	91	5
2 gall. 3 qts. and 7 gills molaffes,	1	79	0
Fuel	0	8	0
	<hr/>		
	3	36	2 $\frac{1}{2}$

1 cent 5 $\frac{1}{4}$ mills each person. Bread was served to several, on account of its being preferred by some Europeans.

No. IV.

DINNER, 8th month (August) 3d, 1800, for 215 persons.

Ingredients.	Cost.	
	Dolls.	Cts.
56 lb. falt pork,	4	8
2 $\frac{3}{4}$ bushels of potatoes,	1	72
103 $\frac{1}{2}$ lb. bread,	1	55
Fuel,	0	24
	<hr/>	
	7	59

2 $\frac{1}{2}$ cents each person.

(42)

No. V.

DINNER, 8th mo. (August) 8th, 1800, for 218 persons.

Ingredients.	Cost.	
	Dolls.	Cts.
16 ox heads, at $1\frac{1}{3}$	2	50
2 lb. falt,	0	2
125 lb. bread,	1	87
$\frac{1}{4}$ lb. pepper,	0	10
Fuel,	0	24
		<hr/>
	4	73

nearly 2 cents, 2 mills each person.

RECAPITULATION.

	Dolls. Cts.	
Breakfast, rye coffee and bread, . .	3	30
Dinner, ox head soup, (<i>no potatoes</i>)	4	73
Supper, mush and molasses and bread,	3	36
		<hr/>
Total	11	39

or 5 cents and 2 mills each person.

No. VI.

SUPPER, 8th month (August) 6th, 1800, for 235 persons—Indian pudding.

Ingredients.	Cost.	
	Dolls.	Cts.
78 lb. Indian meal,	1	17
$19\frac{1}{4}$ lb. or 7 quarts molasses, . .	1	9
$5\frac{1}{2}$ lb. fuet,	0	69
2 lb. falt,	0	2
Fuel,	0	8
16 gall. water,		
		<hr/>
	3	5

The above was boiled six hours, and made 235 lb. pudding,—about 1 cent 3 mills each person.

No. VII.

DINNER, 8th month (August) 7th, 1800, for
218 persons.

Ingredients.	Cost.
	Dolls. Cts. Mills.
42 lb. dried codfish,	1 41 0
2 bushels and 3 pecks potatoes, .	1 72 0
6 lb. of skimmings of the soup, .	0 75 0
$\frac{1}{4}$ lb. pepper,	0 10 0
103 lb. bread,	1 54 5
Fuel,	0 12 0
	<hr/>
	5 64 5

Nearly 2 cents 7 mills each person.

No. VIII.

11th month (November) 3d, 1801,—

Weighed 145 lb. Indian meal,
287 lb. rye do.

432 lb.

C. qr. lb.	Dolls. Cts.
COST.— 1 1 5 Indian meal at 16f. .	2 58
2 2 7 rye do. at 27f. .	8 64
	<hr/>
	11 22

The above 432 lb. rye and Indian meal made
327 loaves of bread, of $2\frac{1}{4}$ lb. each, or 735 lb.
which, at $1\frac{1}{2}$ cts. per lb. is 11 dolls. 44 cts.
or 327 loaves at $3\frac{1}{2}$ cts. each is 11 dolls. 44 cts.
The fuel, $\frac{1}{7}$ of a load pine wood, cost 34 cts.

No. IX.

11th month (November) 3d, 1801,—BREAK-
FAST for 315 persons.

Ingredients.	Cost.
	Dolls. Cts.
1 peck rye burnt and prepared like coffee,	0 23
7 quarts and 1 pint molasses, . .	1 5
110 loaves bread, or $247\frac{1}{2}$ lb. at $1\frac{1}{2}$ cents,	3 71
Fuel,	0 8
	<hr/>
	5 7
	<hr/>

Or 1 cent $6\frac{3}{4}$ mills each person.

No. X.

11th month (November) 6th, 1801,—DINNER
for 315 persons.

Ingredients.	Cost.
	Dolls. Cts.
27 ox heads, at $1\frac{1}{6}$	5 6
5 lb. falt,	0 7
$\frac{1}{4}$ lb. pepper,	0 9
22 lb. Indian meal,	0 40
86 loaves bread, or $193\frac{1}{2}$ lb. . .	2 90
$2\frac{3}{4}$ bushels potatoes, at $2\frac{1}{2}$. . .	0 75
Fuel,	0 24
	<hr/>
	9 51
	<hr/>

Or 3 cents each person.

No. XI.

11th month (November) 6th, 1801,—SUPPER
for 315 persons.

	Dolls.	Cts.
52 lb. Indian meal in mush or hasty pudding,	0	94
5 lb. salt,	0	7
30 loaves bread, or $67\frac{1}{2}$ lb.	1	1
10 quarts molasses,	1	45
Fuel,	0	8
	<hr/>	
	3	55
	<hr/>	

Or 1 cent 1 mill each person.

RECAPITULATION.

	Dolls.	Cts.
Breakfast, No. 9, rye coffee and bread,	5	7
Dinner, No. 10, soup <i>with potatoes</i> ,	9	51
Supper, No. 11, mush, molasses & bread,	3	55
Fuel to heat water for washing dishes,	0	8
	<hr/>	
Total	18	21
	<hr/>	

Or $5\frac{3}{4}$ cents each person.

In all the above tables, Indian meal is estimated at 14*s*. a 16*s*. per cwt.—Rye meal 27*s*. per cwt.—Molasses 5*s*. per gallon—Salt pork 7*d*. per lb.—Ox heads 15*d*. a 18*d*. each—Potatoes in the summer months 5*s*. and in the autumn 2*s* $\frac{1}{2}$. per bushel. In the summer, men eat much less than in the autumn and winter, as is obvious from a comparison of the above tables.

It will be seen, from the preceding experiments, how much the Inspectors have profited by the facts and reasonings, on the important subjects of *food and fuel*, contained in the *Essays* of Count RUMFORD. And it is with sincere pleasure that they are able to state, that the experiments of that truly philosophic and benevolent man on the *economy of food, and management of fire*, have been fully verified in the kitchen of the New-York State Prison. So fully have those objects been exhibited by him, that it would be needless to repeat what he has so well elucidated, or to anticipate the speculations of the curious and philosophic reader on those interesting topics. Yet it may be proper to observe, that two articles of food not noticed by the Count, have been introduced into the *State Prison*, and which merit attention on account of their extreme cheapness. These are, heads of oxen for soup, and rye prepared in imitation of coffee. No part of beef makes a soup so rich, palatable, and nutritious as the head, when properly cooked. Rye, when roasted and prepared in a similar manner, it is believed, is much more nutritious and healthful than coffee. It has been universally relished by the convicts, who appear much pleased with it, and with their soup.

Though the abundance of the articles of food in this country may render individuals less disposed to study the *science of nutrition* and the economy of diet and fuel, yet its great importance in all public establishments for the poor, or for prisoners, cannot be too often exhibited. Large sums of money now drawn from the people in taxes for the

poor, or by appeals to their charity, are wasted for want of an enlightened system of economy in those to whom their distribution is entrusted. By diminishing the expense of diet and fuel, and giving activity to the powers of industry, every establishment of this kind can be made to support itself; society be thereby relieved from a perpetually increasing burden, while the moral and physical condition of the indigent and vicious may be greatly improved.

FUEL.—For near two years after the prison was first opened for the reception of convicts, their food was cooked in kettles made of cast iron, with round bottoms, and fixed up in the ordinary form. The wood expended in that mode of cooking for 125 persons cost 2 dollars 75 cents a day. The last year, a person having been found who could construct a kitchen on the plan recommended by Count RUMFORD, copper kettles with flat bottoms were put up in the manner directed by the *Count*. By this alteration, and the use of coals instead of wood, the expense of fuel in cooking for 315 persons was reduced to 50 cents a day; or from 22 mills to $1\frac{1}{4}$ mill each person per day. A further saving has been made by using fine coals, or pulverizing them and mixing them with clay in the form of balls, as recommended by *Rumford*; by which means the fine coal which falls through the grate, and is usually lost with the ashes, is now wholly consumed.

HOSPITAL.—A *physician* is appointed by the Inspectors to attend the prison, and is allowed an

annual salary of two hundred dollars. A large and airy apartment, on the second floor of the north west wing of the prison, is appropriated to an *hospital*, where the sick are conveyed, if, in the opinion of the physician, they need medical aid. As the prison is situated in a distant part of the city, and accidents may sometimes happen which demand immediate medical assistance, a suitable person is provided by the physician, to reside constantly in the prison, in the capacity of an *apothecary*. He is allowed diet and lodging. He prescribes for the sick, if necessary, in the absence of the physician. Fit persons are selected from the prisoners as *nurses*, and are under the direction of the apothecary. The physician visits the sick, and prescribes for them twice in each week, or oftener, if their diseases require greater attention. Any changes in diet, dress, or employment, which he may think necessary to the general health of the prisoners, are represented by him in writing to the Inspectors, to be considered by them, and carried into effect so far as may be consistent with the principles and objects of the institution.

Under the direction of the physician, the apothecary keeps a book, in which are inserted the *names* of the sick, *their ages*, *occupations*, and *diseases*, the commencement and duration of their maladies, the termination of them, the number cured, relieved, or whose cases terminate fatally. He also registers the nature and quantity of medicines administered, and the diet and general regimen, including cloathing, prescribed by the physician.

Means for warm and cold bathing are provided, and a *machine* for the purpose of affording exercise to those who are confined to the hospital. Those who are capable of taking exercise in the open air, are permitted to do so, under the direction of the apothecary.

A separate kitchen is provided for the hospital, called the *hospital-kitchen*, upon the ground floor of the same wing, where diet for the sick is prepared. This is committed to the management of a suitable person chosen from among the prisoners. In this kitchen, three copper boilers of an oval form with flat bottoms, are put up in the manner recommended by Count RUMFORD. The largest contains twelve gallons, the others about seven gallons each. One bushel of coal, which costs 36 cents, is all the fuel wanted in this kitchen for one week, and besides cooking, heats the water that may be necessary in the hospital. About twenty-five persons, on an average, are fed from this kitchen each day.

Many of those who came into the prison with constitutions greatly impaired by excessive drinking, debauchery, and vicious habits, after being some time used to the system of temperance, order, and industry established in the prison, have become healthy and vigorous.

The diseases which have prevailed in the prison may be seen in the *table* annexed.

REFORMATION.—The end of human punishments is the prevention of crimes. In the endeavour to attain this end, three things are to be considered; the amendment of the offender; the deterring of others by his example; reparation to society and the party injured. Of these objects, the first without doubt is of the highest importance. Society cannot be better secured against crimes, than by eradicating the evil passions and corrupt habits which are the sources of guilt. The operation of punishment as a terror to others, is generally considered as momentary and uncertain in its effects; for men are often found so regardless of the future, as to perpetrate crimes at the instant they are witnessing the most dreadful execution of a criminal for a similar offence. The punishment of death precludes the possibility of the amendment of the criminal by any human means. Every hope of reformation is at once cut off without a single effort to accomplish so just and benevolent a purpose. Society and the injured party are indeed, in the strictest sense, avenged on the head of the guilty offender. Justice, however, not revenge, is the true foundation of the right of punishment. But it is not the design of the present work to discuss the principles of a code of criminal law, or to point out the errors which have been perpetuated by the passions or ignorance of legislators.

If society is effectually secured against future mischief by the imprisonment of the offender, it is that mode of punishment also which affords the only chance of reclaiming him from evil. It is by confinement to hard labour in a penitentiary

house, that the primary and legitimate purpose of human punishment is to be effected. The characters of men are endlessly diversified, and their motives and actions assume a thousand different hues. In considering convicts, we may, in general, distinguish them into three classes: Men grown old in habits of profligacy and violence, unfeeling and desperate offenders, who discover no signs of contrition, and yield little hope of amendment: those who in early life have received a moral and religious education, and, though afterwards led by passion and evil example into the commission of crimes, still retain some sense of virtue: those who, having sustained a fair reputation, are arrested for the first public offence, before they have become familiar with vice; who wished, perhaps, to return to the path of virtue, but had not energy enough to retrace their steps.

In forming an opinion of the depravity of convicts, nothing can be more unjust than to confound these different classes in the same judgment. All were once innocent; but, blinded by passion, allured by present temptation, they have mistaken their true interest, and been gradually led into the depths of vice and criminality. In designating punishments for various offences, the legislator can regard only the tendency of actions to injure society, and distribute those punishments according to the comparative degrees of harm such actions may produce. He cannot foresee those circumstances in the moral condition of the agent which may justly lessen or aggravate his guilt; and,

by the wise constitution and jealous policy of our laws, judges are not vested with any discretionary power to apportion the punishment according to a greater or less criminality of intention in the offender. It is in a penitentiary house, that an opportunity is afforded of distinguishing the shades of guilt in different offenders, and of correcting that error and injustice, in some degree inseparable from the best system of laws, by which persons, whose guilt admits of different degrees, are subjected to the same punishment.* It is for those to whom the superintendence of such an institution is intrusted, to effect, as far as possible, the amendment of the delinquent, and thus to fulfil the highest duty of humanity. And, it is with no small pleasure that the Inspectors have observed, that a number of those who have been discharged from the prison confided to their care, have continued in habits of industry and sobriety, and bid fair to become good members of society. It would, no doubt, be interesting to the philanthropist, to be informed of the particular incidents in the lives of such men, and the circumstances which have furnished ground to predict the rectitude of their future conduct. But this would, in some degree, lead the writer beyond his immediate object; and motives of prudence and charity ought, perhaps, to induce him, for the present, to forbear such a recital.

* This topic may be enlarged upon in the conclusion, when we come to speak of *pardons*. It would greatly assist the Inspectors in the just exercise of their power, if the judges who sentence convicts were required to furnish a statement of all the circumstances that attended the trial, or which may have come to their knowledge, and which may serve to render the guilt of the convict, in their opinion, more or less aggravated.

The most efficacious means of reformation are to be found in that system of regular labour and exact temperance by which habits of industry and sobriety are formed. The Inspectors have not been unmindful of other means of amendment, less immediately connected with the nature of the punishment to which the convicts are sentenced. By the great attention paid to *cleanliness* in every part of the prison, they have shewn their opinion of its importance in aiding reformation. Its benign influence on the physical character, though well understood by many, is not duly estimated by the bulk of mankind. Though its effect on bodily health be more obvious, its less striking but equally certain effect on the mind has been no where more fully experienced than in this prison. It is found to soften the temper, meliorate the disposition, and to produce a regard to temperance, order, and industry; and, by exciting more agreeable and tranquil sensations, to render men susceptible of good impressions, and thereby conduce to their future amendment.*

In the winter, those of the convicts who have appeared to be most meritorious, are allowed, with the approbation of the keeper, to be taught reading, writing, and arithmetic. Teachers are selected from such of them as are competent, and twenty are permitted to meet together daily with one of the keepers,

* Count RUMFORD, (Vol I. page 34.) in his *Essays*, speaking of the good effects produced on the mendicants in the House of Industry at *Munich*, by cleanliness, says that "virtue never dwelt long with filth and nastiness; nor do I believe there ever was a person *scrupulously attentive to cleanliness*, who was a consummate villain."

and to receive instruction for about two hours in the evening. This is considered as a privilege, and conferred on those only, who, by a peaceable, industrious, and regular course of conduct, have shewn a disposition towards reformation. It is a further requisite for an admission into this school, that the person should have performed labour above his task to the value of four shillings a week, which is to pay for the implements of writing, light, and fuel.

Care is taken as far as possible to separate the less vicious from the more hardened and daring offenders. About twenty-two of the most obdurate criminals are kept confined and at work in separate apartments, and are not suffered to come out, or to have communication with other prisoners, but are constantly watched by keepers day and night. Experience will evince, that among any given number of convicts, one tenth part may be fairly considered as desperate and hardened villains, who appear incorrigible; and it is of importance that such should be carefully selected and separated from the rest, as it is more probable they may, by proper management, be reformed.

As another means of reformation, attention is paid to their religious and moral instruction.

A large room in the prison, very neatly finished, is set apart for the purpose of divine worship. This room and the gallery round it will accommodate about six hundred persons.

In this place the prisoners are assembled on the first day of each week, when one of their number reads a sermon and prayers, and the rest join in singing psalms.

It is expected that the public preachers of the gospel in the city will cheerfully devote a small portion of their time to the service of these unhappy beings, who have so much need of their instruction, and of the counsel of the truly good and benevolent.

As no distinction of sect exists in this great work of charity and benevolence, it is hoped that religious characters of every Christian denomination will feel it their duty to visit them on the day set apart for divine worship; since it is obvious that a due attention to this important duty must produce the most salutary effects on the minds and conduct of the prisoners, and most powerfully promote the great plan of reformation.*

Connected with this scheme of punishment and reformation, is another object, which, though of inferior importance in a moral view, is yet deserving of attention. This is, indemnity to the community for the expense of the conviction and maintenance of the offender. It is highly probable, that, with due management and economy, the profit of the labour of the convicts may be rendered equal to their support. Such a result,

* "As rational and immortal beings we owe this to them, nor can any criminality of theirs justify our neglect in this particular." Howard.

however, has not been anticipated by the zealous friends of reform in penal law in Europe. They have regarded it as the indispensable duty of legislators, to meliorate the laws, and correct the abuses of prisons, without counting the cost of their justice or humanity. In PENNSYLVANIA, we are assured, that the experiment has been attended with success;—and when the improved system of the penitentiary house of this State has had time to operate fully, there can be no doubt of a result equally favourable. It ought to have fair scope, and not be thwarted in its infancy, by distrust, or the selfish views of individuals or particular classes of men. A wise legislature will extend its concern to the whole community, and, regardless of private interests, steadily pursue a plan the best calculated to promote the general good.

In the first establishment of the prison, the Inspectors have had to encounter all the difficulties of a new experiment, with the disadvantage of imperfect knowledge in many branches of manufacture. A system was to be formed, by which above two hundred convicts, many of them hardened, desperate, and refractory, and many ignorant, or incapacitated through infirmity or disease, might be brought into a regular course of productive labour. To find suitable employment for so many persons, was a matter of considerable difficulty. In the choice of occupations, regard must be had to those which require the least capital, are most productive of profit, and most consistent with the health of the convicts and the general security of the prison. Among

the different kinds of manufactures, that of shoes was first introduced, and has been found the most convenient and profitable. The capital required for the purchase of the raw materials is not large; and the manufactured article will always meet with a ready sale; since the consumption of so indispensable a part of dress is great, and continually increasing, beyond the power of the tradesmen of the city to supply.* The manufacture of nails and other articles has been carried on for about two years. This required more capital; and it was not until very lately that sufficient experience was gained, in the purchase of stock and the use of machinery, to enable the Inspectors to manage this branch of business with advantage. These circumstances, and many others that might be detailed, which necessarily attend an infant establishment, and which diminished the profits of the past years, will, in future, cease to produce expense and embarrassment. It is doubtful, whether the manufacture of nails, and of several other articles, ought to be carried on to a great extent, as they require too large a capital in advance. Experience will furnish, every year, grounds for improvement in the mode of conducting the branches of industry, or in the introduction of more advantageous kinds of labour; and there is every reason to believe, that, with a competent capital, the business may be rendered so productive as to defray the expenses of conviction and maintenance of the prisoners. Calculations, however, founded on the

* Large quantities of shoes have heretofore been brought from New-Jersey and the eastern States, and sold in New-York.

statements of the past year, will not furnish adequate means of judging with certainty of the future profits which may be made to arise from the labour of the convicts. The accounts and estimates subjoined, will enable the intelligent reader to form his own opinion of the progress of the establishment thus far, and to frame a more satisfactory conjecture as to its ultimate success.

That the number of convicts has increased since the erection of the State Prison, is evident from the tables in the *appendix*. But to infer from that fact, that the new and milder scheme of punishment has been less efficacious in preventing crimes than the old and sanguinary system, would be a most partial and erroneous conclusion. The *true causes* of this increase of crimes are the rapid growth of our population and wealth; the consequent luxury and corruption of manners, particularly in the capital of the State; and the great number of indigent and vicious emigrants from Europe and the West-Indies, driven hither by the disordered and distressful condition of their native countries, or to escape the vengeance of the laws.*

More than *three fourths* of the whole number of crimes are committed in the city of New-York. Its population has almost doubled in ten years, and the increase of its trade and wealth is unequalled in the history of commercial states. It is certain also, that under the present system of punishment, a much less number of offenders escape

* See Appendix, page 85.

conviction. Individuals do not, from a sense of the terrible consequences to the party, refuse to prosecute; nor juries, from motives of compassion, forbear to convict the guilty. This is a most salutary consequence of the melioration of our penal laws.

The corruption of morals engenders those crimes which pollute society, and undermine the security of life and property. It is the duty of government to begin at the source, and to endeavour, by every rational and practicable expedient, to prevent crimes, rather than to apply the painful and uncertain remedy of punishment to evils grown formidable by negligence. It is in vain, under the best devised plan of punishment, to expect that crimes should be diminished or exterminated, if laws are not framed to check the progress of vice, and to arrest the first steps of guilt.

It is well known, that the greater number of crimes originate in the irregular and vicious habits produced by intoxication, and by the idle, low, and dissipated practices encouraged in taverns and tippling-houses. There are few criminals whose gradual depravation cannot be traced to this source. It is well ascertained, that in this city there are more than 1200 taverns or shops, where spirituous liquors are retailed in drams or in the form of grog. In eight or ten considerable streets, one fourth part of the whole number of houses are *taverns and groceries*, or, in other words, *dram-shops*. The number of taverns is unlimited by law. By the city-charter, the power of

granting licenses is vested in the mayor, who is the sole judge of the propriety of granting them, or of their number. Thirty shillings are paid for each license, four fifths of which sum goes into the city-treasury, and the residue to the mayor. While a revenue is derived to the corporation from these licenses, it is not to be expected that there will be much solicitude to lessen their number, or to examine minutely into the merits of the applicants for them. Some regulations ought to be adopted for the reformation of the police in this respect. Grocers ought to be strictly prohibited from retailing liquors in drams. The number of taverns ought to be greatly diminished. Licenses should not be granted but to persons who are recommended by five known and respectable citizens, and under much larger penalties than at present, to enforce their observance of the laws.* At present, the temptation to the indigent and labouring classes of people to indulge in drink is so powerful, and the gratification so easy, at every turn of the street, that the greater number spend a large portion of their time and earnings in repeated indulgences of this depraved appetite, during the day, and return to their families in a state of partial or complete intoxication. The pernicious consequences of such habits, to the individual and to society, are too striking to need any elaborate description, to enforce the propriety of adopting every suitable means of legislative and municipal regulation, for their prevention.

* In the town of BOSTON there are *fifty* taverns or persons licensed to retail liquors in small quantities. Three or four times that number, one would imagine, would be more than sufficient for this city.

A further source of vice and criminality is to be found in the *horse-races* which regularly take place in New-York and some of the neighbouring counties. These draw together crowds of people, who engage in wagering, all kinds of games of chance, and in debauchery, which produce habits that lead to the ruin of many, and drive numbers to the commission of crimes. Horse-races, billiard-tables, and all games of chance, ought to be strictly prohibited. *Baiting* of animals with dogs, and every species of amusement which may tend to harden the heart, and render the manners of the people ferocious, ought to be prevented by a well regulated police. Laws are made for the preservation of decency and order on the first day of the week; and it remains only to have them more faithfully executed. Perhaps there is no city of equal extent, where fewer crimes escape detection and punishment, or where greater order and tranquillity prevail. Too much praise cannot be bestowed on those to whom the peace and safety of our city is entrusted, for their unwearied attention and vigilance in the discharge of duties, the extent and importance of which are not generally understood or fully estimated. But, notwithstanding the improved state of our police, and the care of our magistrates, every year furnishes new objects of attention, evils which demand additional remedies, and more powerful reasons for devising and applying them in the best and most effectual manner.

Another object, more immediately connected with the subject of this work, is the present mode of punishment for petty crimes. The only pri-

son in this city for the punishment of those convicted of small thefts and other petty offences, is the *Bridewell*, part of which is also appropriated to the safe keeping of prisoners before their trial or conviction. At present, vagrants, disorderly persons, and convicts for petty offences, are confined in this prison; and are put into rooms together, without any discrimination, or regard to difference of character. No proper or adequate means are used to prevent profanity, intoxication, filth, or idleness. In this condition, corrupting and corrupted, their imprisonment, so far from tending to produce the amendment of the culprits, or to secure society against the effects of their future misconduct, serves, by the contagion of example and the exasperation of bad passions, to render them an hundred-fold more vicious and untractable. It is, in truth, a *nursery* of criminals for the State Prison. As a remedy for this defect in the penal system, it is suggested, that a building should be erected by the corporation, large enough to contain sixty cells, of the same dimensions as those in the State Prison;—that the *police magistrates* should have power to try, in a summary way, and to sentence to solitary confinement in these cells, vagrants, drunkards, riotous and disorderly persons, &c. for a time not exceeding thirty days;—that the quarter sessions of the city should sentence persons convicted of assaults and batteries, petit larcenies, and such offences as are not aggravated or atrocious, for a time not exceeding sixty or ninety days. The convicts should be kept in these cells in perfect solitude, and on spare diet, in the manner practised in the State Prison. Such a punishment, for

sixty days, would be more severe and terrible, and tend more to the prevention of crimes, than confinement, for one or two years, to hard labour in the State Prison. It would also tend more to the reformation of the offender himself. Detached from vicious companions, from temptation, and from all means of gratifying his depraved appetites, conscience would have time to awaken a sense of guilt and remorse for his past folly and misconduct.

Should a plan of such obvious utility be adopted and carried into execution, it would not then be necessary to send convicts to the State Prison for a shorter period than three years. For every person once confined in the solitary cells, who should, after his release, commit a second offence, would deserve to be sentenced to hard labour for, at least, three years. Indeed it might, with propriety, be left to the discretion of the court, in certain cases of second offences, to inflict the same punishment as in cases of grand larceny; since it can hardly be supposed, that any material or lasting effect can be produced on a criminal, by the labour and discipline of a penitentiary house, in a shorter time than four or five years.—And if he is incorrigible by means of solitude, temperance, and cleanliness, he will not merit if he is guilty of a second offence, a punishment less severe than imprisonment for that length of time.

It is not requisite, here, to enter into the details of this plan of a county prison; which, if found, on experiment, to succeed in the city of New-

York, may be extended to ALBANY and one or two other counties, where the increase of population and the frequency of petty offences may render it necessary.

Before concluding this *account*, it may be proper to make a few remarks, the result of some observation and experience, on a subject which may have an essential influence on the present scheme of punishments.

It has been observed by BECCARIA, whose opinions have the force of axioms in the science of penal law, that “as punishments become more mild, clemency and PARDON become less necessary;”—that “clemency belongs to the legislator, and not to the executor of the laws; a virtue which ought to shine in the code, not in private judgments. To show mankind that crimes may be pardoned, or that punishment is not the necessary consequence, is to nourish the flattering hope of impunity.”—“Let then the executor of the law be inexorable, but let the legislator be tender, indulgent, and humane.”*

These principles, though just in theory, necessarily presuppose a perfect system of penal law, by which each punishment is with such exact justice apportioned to each crime, that no difference of circumstances can arise in any case, which ought to vary the punishment prescribed for the particular offence. No code so perfect has yet been framed,

* Dei Delitti e delle Pene, § 20.—A misura che le pene divengono più dolci, la clemenza ed il perdono diventano meno necessari: &c.

and until such an one is promulgated, it is necessary that the power of pardoning should reside somewhere, to prevent that injustice in particular cases which the legislator did not foresee, or could not avoid. By our constitution this power is confided to the governor, the chief executive magistrate.*

And under the present penal laws, except in those cases where the punishment of death still remains, the power of pardoning may be exercised without violating the principle advanced by the philosopher of Milan. It may be asserted, that, in the deliberate and impartial manner in which justice is administered in our courts, it is scarcely possible that any man can be *presented* by a grand jury, tried and convicted by a petit jury of twelve men, in the presence of the court and the world, without a degree of guilt deserving of some punishment. Imprisonment for a short period, under the mild and humane regulations of the State Prison, cannot, in cases the most favourable to the prisoner, be deemed unjust. It may be laid down, then, as a general principle, that no person, convicted of a crime and sentenced to imprisonment, ought to be pardoned, until he has suffered a punishment proportioned to the degree of his guilt, or at least so much as may satisfy the community he has injured. Under the guidance of this principle, it is believed, that the power of pardoning may be made conducive to a more perfect dispensation of

* In cases of treason and murder, the governor cannot pardon, but may relieve the convict until the next meeting of the legislature, who may pardon if they think fit.

justice, and subservient to the plan of reformation intended by a penitentiary prison. It will not be thought useless to endeavour to fix some general rules for the exercise of a power, which, if arbitrary and capricious, may produce consequences neither foreseen nor intended; but if exerted with sound discretion, so far from weakening the laws, will strengthen their operation.

1. Where the punishment is fixed by law to a crime of a general legal description, comprehending a great variety of different acts, which must, from the course of human conduct, be accompanied with evidence of greater or less depravity; there this attribute of the chief executive magistrate seems necessary, to remedy the imperfection of the general law, and to render the punishment more equitably proportioned to the guilt of the offender; since, from the inevitable want of foresight in the legislature, of the circumstances of each case, it could not be so predetermined by them. Thus *forgery* and counterfeiting, as well as passing money, knowing the same to be forged or counterfeit, punished by imprisonment for life, is a crime, the objects of which are endlessly diversified, comprehending acts of different degrees of turpitude.*

* It may be fairly questioned, whether this and some other crimes are not improperly punished by imprisonment for life. If the sentence did not exceed a certain number of years, it would be in the power of the court to apply the punishment in a manner, more justly proportioned to the offence: there would then be rarely, if ever, any occasion for the executive to remit the sentence. Most of the governments of Europe, excepting England, have, in circumstances of society and manners far less favourable than those of this country, gone further in the melioration of their penal laws; and the punishment of death is gradually disappearing from their codes.

2. Where the law has only defined a limit in the time of imprisonment, leaving it to the discretion of the judge to fix the duration of punishment within that limit, according to the circumstances of each case ; there it may be generally said, that the executive ought not to interpose ; unless when the discretion of the court has been manifestly exercised under some misapprehension, or where circumstances, favourable to the convict, come to light after trial, of which he could not avail himself at the time, but had they been known, ought to have prevented or lessened his punishment.

3. Unequivocal evidence of reformation in a convict, after his imprisonment ; to ascertain which, as well as the propriety and safety of discharging a convict before the expiration of his term of punishment, the judgment of the Inspectors of the prison, from their situation, may be of essential importance. Indeed, this precaution has been taken by the late, and present governor of the State, who have applied for the requisite information to the Inspectors, the majority of whom have joined in a recommendation for pardon, where they thought it clearly merited by the convict. Previous to such recommendation, however, the Inspectors think it their duty to enquire,—whether the prisoner was convicted by clear and undoubted testimony ; which may be ascertained by the report of the judge before whom he was tried ;—whether the circumstances attending the commission of the crime denote a greater or less degree of depravity ;—whether the prisoner has already suffered a

punishment sufficient to satisfy society, and to afford a reasonable ground to believe that his release will not diminish the dread of future punishment in him, or inspire the hope of impunity in others ; —whether, while in prison, he has conducted himself with uniform decency, industry, and sobriety, and has never attempted to violate any of its regulations ; —and, lastly, whether from what is known of his temper, character, and deportment, it is probable, that if restored to society, he will become a peaceable, honest, and industrious citizen. These inquiries ought to be satisfactorily answered in favour of the convict, before he is recommended for pardon ; for it is not a common or ordinary course of good conduct and industry, but a pre-eminent and unexceptionable behaviour, that should entitle a prisoner to this grace. A convict radically and incurably depraved, in hope of gaining favour, may, for a season, so far disguise his genuine character, as to deceive his keepers and inspectors. Sufficient time should be allowed to discover his real disposition, which, on some occasion, at an unguarded moment, will shew itself. In short, pardon ought never to be granted from the momentary impulse of compassion, the indulgence of which may be gratifying to the individual, but, as regulated by no fixed principle, must be injurious to the public ; nor ought it to be granted, merely at the instance of friends or relations, or from considerations of family, but from the clear and unbiassed dictates of justice and humanity, and in such a manner that the community may be satisfied that the influence of the law is not impaired, nor its severity relaxed, without sufficient reason.

No man, who enters the prison with vicious habits, can be reasonably expected to be divested of them in less than four or five years; and it would greatly injure the penitentiary system, to pardon any prisoner before the expiration of that time, unless in extraordinary cases, which may possibly, but very rarely, happen. When sentenced to imprisonment for life, no person ought to be released until after seven years confinement. If, under the circumstances which have been mentioned, and on principles here stated, pardons are sometimes granted, instead of counteracting the force of the law, they may be made to harmonize with and support the general scheme of punishments so wisely adopted. Its success must, in a great measure, depend on the wisdom of the regulations devised for the internal management of the prison, and on the prudence, disinterested attention, and perseverance of those to whom that management is entrusted.

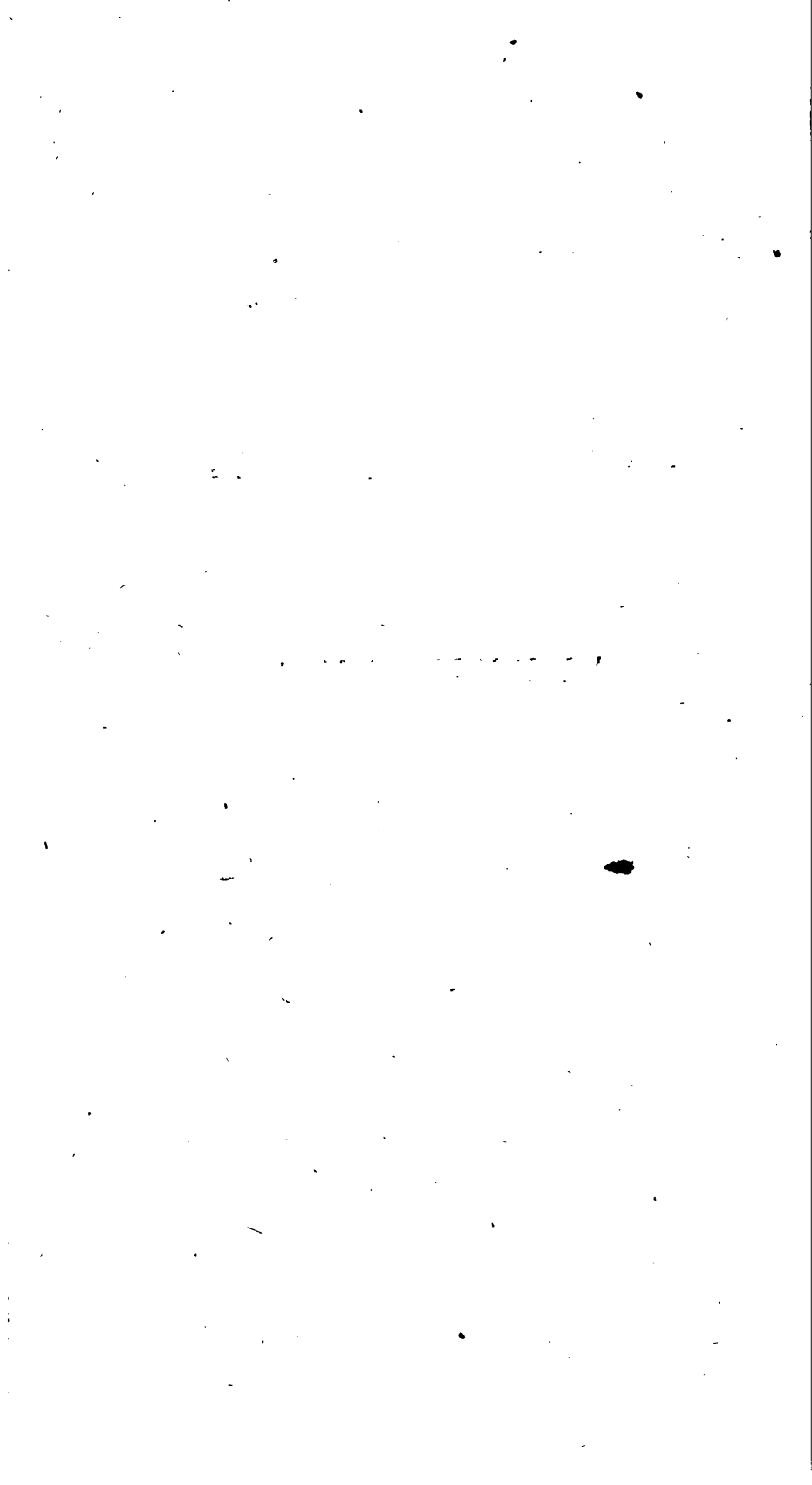
To exhibit a simple and faithful account of those regulations, and to furnish such useful hints as the writer, from his own experience and the suggestions of others, could impart, is the purpose of the preceding pages. He is sensible that the plan of interior regulation is far from being perfect; but every year will add to its improvement. For, besides relieving the counties from the great burden of keeping convicts, and diminishing the chances of escape, by bringing them all into one prison, under a more vigilant inspection, the establishment of a *State Prison* presents the best opportunity, by the magnitude and liberality of its plan, for the formation of a well-digested scheme of internal

management and economy, and the full execution of the only just and beneficent system yet devised for the punishment and correction of criminals. The New-York State Prison will furnish a model for others, which the increase of population and growth of luxury may render necessary in the distant parts of this extensive country.* And, whatever may be the future condition of mankind, this institution will reflect lasting honour on the State; become a durable monument of the wisdom, justice, and humanity of its legislators, more glorious than the most splendid achievements of conquerors or kings; and be remembered when the magnificent structures of folly and pride, with their founders, are alike exterminated and forgotten.

* Similar prisons are already established in New-Jersey and Virginia, and others are proposed to be erected in Massachusetts and South-Carolina.



APPENDIX.



[A] ABSTRACT OF PRISONERS RECEIVED INTO THE STATE PRISON, DURING THE YEAR 1797.

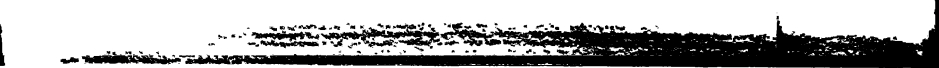
CRIMES.		Americans.				Foreigners.										Counties convicted in.																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																										
		White.		Blacks.		N. Hampshire.		Massachusetts.		Rhode-Island.		Connecticut.		New-York.		New-Jersey.		Pennsylvania.		Maryland.		Virginia.		Georgia.		England.		Ireland.		Scotland.		France.		Germany.		Nova Scotia.		Canada.		West Indies.		Africa.		New-York.		Dutchess.		Orange.		Kings.		Albany.		Columbia.		Kent/Relaer.		Washington.		West Chester.		Clinton.																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																												
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[C] ABSTRACT OF PRISONERS RECEIVED INTO THE STATE PRISON, DURING THE YEAR 1799.

(75)

			Whites			Blacks			Americans 78.			Foreigners 43.			Counties convicted in.																																
			Men.	Women.	Men.	Women.	Men.	Women.	N. Hampshire.	Massachusetts.	Rhode-Island.	Connecticut.	New-York.	New-Jersey.	Pennsylvania.	Delaware.	Maryland.	North Carolina.	England.	Ireland.	Scotland.	France.	Germany.	Denmark.	East-Indies.	West-Indies.	Africa.	New-York.	Richmond.	Dutchess.	Orange.	Ulster.	Columbia.	Albany.	Renfellaer.	Washington.	Herkimer.	Montgomery.	Ortogo.	Tioga.							
2	1	2	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	2	2								4	1			1	2	2	1	2											
11	1	10	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	2	2								7																			
8		8																																													
1																																															
4																																															
4																																															
49		41																																													
49		41																																													
1		1																																													
1		1																																													
1		1																																													
1		1																																													
44		23																																													
44		512																																													
121		90	620	51	9	4	8	44	5	4	1	1	13	13	2	1	1	2	1	1	4	1	3	39	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1			
Total																																															

22 for Life.	5 for Five Years.	21 for Two Years.	5 for Twelve Months and One Day.
1 Twenty-one Years.	9 Four do.	1 Twenty-one Months.	9 Twelve do.
2 Fourteen do.	21 Three do.	13 Eighteen do.	
5 Seven do.	11 Two and Half do.	15 Fifteen do.	121 Total
3 Six do.	1 Two Years and 2 Days.	1 Thirteen do.	





ABSTRACT of PRISONERS received in the
STATE PRISON.

Received in the year	$\left\{ \begin{array}{l} 1797, \dots 121 \\ 1798, \dots 144 \\ 1799, \dots 121 \\ 1800, \dots 150 \\ 1801, \dots 157 \end{array} \right.$	693
Number died in the year	$\left\{ \begin{array}{l} 1797, \dots 1 \\ 1798, \dots 6 \\ 1799, \dots 9 \\ 1800, \dots 8 \\ 1801, \dots 4 \end{array} \right.$	28
Escaped and not retaken in the year	$\left\{ \begin{array}{l} 1797, \dots 1 \\ 1798, \dots 3 \\ 1799, \dots 7 \\ 1800, \dots 6 \\ 1801, \dots 8 \end{array} \right.$	25
Total discharged by expiration of sen- tence,	$\left\{ \begin{array}{l} \text{White men, } 117 \\ \text{White women, } 21 \\ \text{Black men, } 55 \\ \text{Black women, } 17 \end{array} \right.$	210
Total pardoned,	$\left\{ \begin{array}{l} \text{White men, } 63 \\ \text{White women, } 6 \\ \text{Black men, } 14 \\ \text{Black women, } 3 \end{array} \right.$	86
Remaining in the Prison, 31st of Twelfth Month, (Dec.) 1801,	$\left\{ \begin{array}{l} \text{White men, } 250 \\ \text{White women, } 23 \\ \text{Black men, } 57 \\ \text{Black women, } 14 \end{array} \right.$	344
		344
		Total 693

Note, Of those pardoned, 19 were sentenced for life, and 67 for terms of years.

TABLE ; shewing I. the number of prisoners who, at the time they were received into the State-Prison, in 1797, '98, '99, 1800, and 1801, had no particular occupation, or were of such trades or professions as were not introduced into the prison, and of course unfit, without instruction, for other trades and occupations ; II. the number of prisoners skilled in the branches of industry established in the prison.

I.		II.	
Of no occupation,	218	Persons of Trades, &c.	
Farmers,	114	established in the	
Seamen,	93	prison, viz.	
Traders,	8		
Clerks,	11		
Soldiers,	6	Shoemakers,	33
Schoolmasters,	3	Carpenters,	32
Chimney-sweeps,	5	Blacksmiths,	22
Millers,	2	Tailors,	24
Coach-makers,	2	Weavers,	13
Hatters,	4	Silver and Copper-	
Segar-makers,	4	smiths, and Brass-	
Rope-makers,	3	founders and Tin-	
Brewers,	3	men,	13
Carvers and Gilders,	1	Masons,	12
Tanners and Curriers,	2	Cabinet makers,	2
Butchers,	3	Stone-cutters,	1
Miners,	2	Wheel-wrights,	1
Well-diggers,	1	Breeches makers,	1
Riggers,	3	Sawyers,	3
Tobacconists,	2	Saddle and harness	
Quill manufacturers,	1	makers,	3
Barbers,	10	Nailers,	3
Leather dressers,	2	Painters,	3
Pump makers,	2	Coopers,	5
Bakers,	5		171
Gardeners,	5	Number of Persons ig-	
Cooks,	3	norant of the above	
Tallow Chandlers,	3	Trades. (Class I.)	522
Furriers,	1		
		Total	693
Total	522		

RECAPITULATION of the Tables of Convicts
and Crimes for five Years, ending Dec. 31, 1801,
with Remarks.

Of the crimes enumerated in Table [F], committed during five years, the number of those accompanied with *violence* to the person and habitation, are,

Rape,	1
Manlaughter,	4
Sodomy,	1
Highway Robbery,	1
Burglary,	34
Arson,	5
Affault and battery,	20
Stealing from a church,	1

— 67

Of these, were committed in the city of N. York, 35
in the rest of the State, 32

— 67

Offences against property, public justice, and morals, the commission of which is distinguished by address, dexterity, malicious cunning and fraud, unaccompanied with violence, are,

Forgery,	66
Grand Larceny, (stealing above the value of $12\frac{1}{2}$ dollars)	269
Petit Larceny, (stealing less value than $12\frac{1}{2}$ dollars)	277
Horse stealing,	15
Swindling,	1
Receiving stolen goods,	2
Perjury,	3
Accessory to a convict felon,	1
Bigamy,	1

— 626

Of these, were committed in the city of N. York, 459
in the rest of the State, 167

— 626

Total of crimes committed in five years in the city of New-York,	494
Total of crimes committed in five years in all the other cities and counties in the State,	199
	— 693

Though very considerable exertions have been made to obtain an account of the number of crimes and convicts, for several years preceding the erection of the State-Prison, it has not been in our power to make an accurate list; and an imperfect one would not afford a just ground of deduction as to the influence of the new system.—This defect is much to be regretted, as such a comparison between the two periods would, population, state of society, and other things being duly considered, enable us to form a more satisfactory judgment of the effects produced by the alteration of our penal code.

Of 277 petty larcenies, committed in 5 years, 236 were in the city of New-York; of 260 grand larcenies, 179 were in the city; and the assaults and batteries were all, but one, committed in this city and Albany. *Petie larceny* is an offence hardly known in the country, since 3 only in a year are found to be committed there, if we exclude the cities of *Albany* and *Hudson* also; and of *grand larcenies*, the annual number for all the rest of the state is little more than 2.

Of the convicts there were,

White men,	469	
White women,	44	
	—	513
Black men,	145	
Black women,	35	
	—	180
		— 693

Of these there were,

Native Americans,	403	
Foreigners,	290	
	—	693

Of *Native Americans* there were,

From the State of New-York, 192

From all the other States, 211

403

Of *Foreigners* there were,

From Ireland, 117

England, 49

Scotland, 11

Germany, 18

France, 10

the other parts of Europe, 7

Canada and Nova-Scotia, 8

West-Indies, 49

East-Indies, 3

Africa, 18

290

693

Of 349 prisoners who have been discharged by expiration of sentence and pardon, 29 only, or one-twelfth part, have been convicted of second offences, and of these 16 were foreigners. Of 86 pardoned, 8 have been recommitted for second offences, and 5 of these were foreigners.

To aid the comparison between the number of crimes and the state of population, the following statement is taken from the *Census* at two periods, which may be deemed correct.

The State of New-York contained,

In 1790, 340,120 Inhabitants.

In 1800, 586,050

The City and County of New-York contained,

In 1790, 33,131 Inhabitants.

In 1800, 60,489

The largest ratio of increase belongs to the last five years of the preceding period.

From this enumeration it appears, that the number of offences, in proportion to the number of those whose persons and property are exposed to violence and depredation, is very considerably greater in the city of New-York than in all the rest of the State.

In the former, the number of offenders compared with the number of people, is as 1 to 129.

In the latter, the proportion is as 1 to 2633.

So that the relative proportion of crimes between the capital and the country, drawn from the comparative population of each, may be stated as 22 to 1, rejecting fractional parts of an unit.

It is likewise worthy of remark, first, that very near three fourths of the offenders in the preceding tables are adventurers from foreign countries; secondly, that though the blacks constitute less than *one twenty-eighth* part of the whole population of the State, yet they form nearly *one third* of the whole number of convicts.—These facts afford an instructive lesson on the influence, first, of European and West-Indian emigration, and next, of negro-slavery. It is hoped that it will not be thought unimportant to call the attention of the reader to the proportion between male and female offenders. Of the whole number of convicts, the women form less than *one eighth* part; but it is an additional proof of the degeneracy of the blacks, that near four fifths of the women are of that race. One third of the number of blacks, however, are from European colonies, in the West-Indies and Africa.

From this examination of the above tables, which might be rendered still more minute and interesting, the curious and inquisitive reader will discover how far the state of society and manners is manifested in the enumeration of the crimes committed; and how far they have been increased by emigrants from the more corrupt and turbulent societies of Europe. The vast difference between the number of crimes in the City of New-York, and the rest of the State, taken in relation either to their absolute or comparative population, will lead to an inquiry into the true causes of the most numerous classes of crimes, and the most probable means of their prevention;—such as, improvement in the management and economy of the *city prisons*, in the punishment of petty offences, and in the melioration of the laws and general police of the city, in many things,

which, in their present state, have an undoubted tendency to deprave the morals of the people.

In any view which may be taken of the number of crimes, or the system of punishment, in this State, compared with those which exist in Europe, there is reason to approve the general wisdom and humanity of our laws and institutions, and to be induced to persevere in our exertions to improve and maintain the excellent system we have adopted.

In the *metropolis* of Great-Britain, as it comprehends London and a part of Middlesex and Surry,* during one year, ending October 1795, there were 7137 prisoners discharged from the several prisons. Of this number, 2675 were tried, convicted, and punished; and 4462 discharged by proclamation of gaol delivery, for want of proof, by acquittal, pardon, or bail. Of the convicts; 61 were sentenced to capital punishment, and 16 executed; 22 died in prison, 174 were sentenced to transportation, 1282 sent to the different parishes, 216 sent to the army and navy, and the residue distributed in prisons and hospitals. Above 2000 persons are annually brought to trial in the superior courts of judicature, exclusive of a much larger number at the general and quarter sessions of the peace, in the different counties.

Besides all the expenses of trial and conviction, the cost of maintaining 8000 convicts, sentenced, during 22 years, to labour in the *HULKS* at Woolwich, Portsmouth, &c. amounted to 693,000 pounds sterling, or more than 3,063,600 dollars; and the expense of transportation of 5858 convicts and 93 children to *New South Wales*, during 6 years, amounted to 1,037,230 pounds sterling, or more than 4,605,300 dollars. To this must be added the annual average expense of 50,000 pounds, (222,222 dollars) for the county prisons and criminal police; making in the whole, an amount of two millions sterling, or more than 8,888,888 dollars, expended during 20 years; or an annual average expenditure for the main-

* The population of this portion of the Kingdom is not more than *double* that of the State and City of New-York.

tenance and subsistence of convicts, of 100,000 pounds sterling, or more than 444,444 dollars.

Such is a very slight sketch of the enormous mischiefs and burden to society, resulting from the severe, unequal, and imperfect system of punishments in England. For several years it has been the labour of enlightened and benevolent men, in and out of parliament, to devise some adequate remedies for the evils of that system, and the general police of the capital. These remedies are principally combined in a plan of *national penitentiary houses*, similar in most respects to the one adopted in the establishment and economy of the New-York State Prison. Whether this plan is yet carried into execution there, is not known.

Those who wish to obtain further information on this interesting subject of liberal inquiry, are referred to "*A Treatise on the Police of the Metropolis*," by P. Colquhoun, L. L. D. a magistrate for Middlesex, (6th Edit. Lond. 1800,) which, for its numerous facts, details, and observations, is one of the most valuable books to the legislator that was ever published.

An Account of the Diseases which have occurred in the State Prison during the year 1801.

Diseases.	No. cured.	Relieved.	Incurables.	Died.
Abscess,	4			
Abortion,	2			
Amenorrhœa, . . .	4			
Apoplexy,	1			
Asthma,	1			
Burn,	1			
Cachexia,	2			
Catarrh,	64			
Cholera Morbus, . .	3			
Colic,	12			
Constipation of the bowels,	2			
Consumption of the lungs,	4		1	1
Contusion,	2			
Convulsions,	3			
Diarrhœa,	25			1
Dyspepsia,	3			
Dysentery,	9			
Epilepsy,	1	2		
Fever,	21			2
Film,	1			
Fluor albus,	4			
Gleet,	1			
Gonorrhœa,	3			
Hæmaturia,	2			
Hæmorrhoids,	7			
Hysterica,	4			
Hypochondriasis, . .	2			
Jaundice,	2			
Intermitting fever, .	11			
Inflammation of the eyes	7			
do. throat,	1			
do. testicle,	1			
Leprosy,	1			
Menorrhagia,	2			
Pleurisy,	11			
Peripneumony,	1			
Remitting fever, . . .	6			
Rheumatism,	21			
Schirrus of the testicle,	2			
Scrophula,	1			
Spasms,	1			
Suppression of urine,	1			

Brought over,	257	2	1	4
Small-pox natural, .	3			
Strangury,	2			
Tinea Capitis, . . .	2			
Phlegmon,	2			
Ulcer,	9	1		
Wound,	1			
Worms,	2			
	278	3	1	4

Cured, 278
 Relieved, 3
 Incurable, 1
 Died, 4
 Total 286

N. B. Forty-five persons have been inoculated for the small-pox, and have recovered.

REMARKS.—The diseases which have been most prevalent in the prison during the three last years, in which a regular register has been kept by the physician, are,

1st, Fevers,—viz. the intermitting fever, the bilious remitting fever, and what is denominated in the register, *fever*, by which is meant a fever of two or three days duration, and which is very mild in its symptoms, and frequently arises from cold or a disordered state of the stomach and bowels.

2d, Inflammatory diseases,—viz. catarrh, pleurisy, and rheumatism, which generally proceed from changes of weather.

And, 3d, Bowel complaints,—viz. Cholera morbus, bilious colic, diarrhoea, and dysentery.

The use of flannel worn next the skin had been very early recommended by the physician, and in the course of the last year, this change of dress has been very generally adopted, and the salutary effects of it have fully justified the expectations that were entertained of it: For it appears, upon comparing the report of the last year with the two preceding ones, that the number of the sick has considerably decreased; the diseases have been milder in their symptoms, and fewer deaths have occurred.

Another change to which the greater health of the prisoners is to be ascribed, is the more liberal use of salted meats during the summer season.

ACCOUNT of Prisoners remaining in the State Prison
for 12th month (December) 31st, 1801.

	4 for Arson,
24	Burglary,
42	Forgery and passing counterfeit money,
1	Rape,
1	Sodomy,
129	Grand Larceny,
117	Petit Larceny,
1	Stealing from a church,
3	Manlaughter,
16	Horse-stealing,
3	Perjury,
1	Accessory to a convict felon,
2	Affault and Battery,
1	Bigamy.

345

77 for life,	85 for 2 years,
6 for 14 years,	14 1
1 12	22 1 year & 1 day,
4 10	5 1 year & 6 months,
19 7	4 2 & 6
4 6	1 5 years & 40 days,
22 5	1 2 years & 4 days,
34 4	2 13 months.
44 3	—
—	134
211	211

345 Total.

Note, Of the above, 95 will be discharged by expiration of sentence, in the year 1802.

ABSTRACT of the expenditures for maintenance of prisoners, and support of the prison, and incidental charges, for the years 1797, '98 and '99.

1797, To clothing and maintaining prisoners,	4531.02	
1798, ditto. ditto.	6222.30	
1798, ditto. ditto.	10964.64	
1799, ditto. ditto.	15118.66	
	<u>36836.62</u>	

ABSTRACT of the expenditures for maintenance of prisoners, and support of the prison, &c. during the years 1800 and 1801.

1800, To clothing and maintaining prisoners,	14450.86	
1801, ditto. ditto.	22632.65	
Sundry debts due from Prison,	1465.98	
	<u>24098.63</u>	

On hand per inventory, household furniture, beds, bedding, clothing, fuel, oil, molasses, a fire engine, horses, cows, carts, &c.	}	9745.69

ABSTRACT of the accounts relative to the manufactures carried on in the State Prison during the years 1799 and 1800.

1799, Paid for tools, raw materials, and incidental charges,	}	23232.15
1800, ditto. ditto.		29753.60
		<u>52985.75</u>
1799, By manufactured goods sold,		21389.85
1800, ditto.		22966.77
Goods, raw materials, and tools on hand 1st mo. 1st, 1801,	}	15228.83
		59585.45
Balance, being net profit,		<u>6599.70</u>
		59585.45

ABSTRACT of the accounts relative to the manufactures carried on in the State Prison during the year 1801.

1801, Goods, raw materials, &c. on hand 1st mo. 1st,	15228.83	
Paid for tools, raw materials, and incidental charges,	}	31629.11
To sundry debts due from Prison,		5483.56
		<u>52341.50</u>
By manufactured goods sold,		35275.59
By goods, raw materials, and tools on hand 1st month 1st, 1802,	}	20769.17
By sundry debts due to Prison,		4238.57
		<u>60283.33</u>
Balance, being net profit,		<u>7941.83</u>
		60283.33

A general ABSTRACT of the accounts of the State Prison, adjusted for the year 1801.

1801, To balance of old account for 1800,	15079.99
Paid for tools, raw materials, and incidental expenses,	31629.11
Paid for cloathing and maintaining prisoners, and to sheriffs for bringing convicts from the county prisons,	22632.65
	<hr/> 69341.75
1801, By sales of manufactured goods,	34275.59
By cash of treasurer,	12000.00
— of the mayor per Geo. Warner, Esq.	1000.00
Balance due the agent,	22066.16
	<hr/> 69341.75

REMARKS.

THE legislature, from time to time, appropriated monies for the payments of all expenditures for the support and maintenance of the convicts during the years 1797, 1798, and 1799. In the year 1800, the sum of 8000 dollars was appropriated for the purchase of raw materials and for carrying on the various manufactures in the prison; for cloathing and maintaining the convicts, maintaining the keepers, defraying the expense of bringing convicts from the different counties, and all other incidental expenses. Any person, who has the least acquaintance with the nature of manufactures, and with the concerns of any extensive establishment of them, will perceive, that to keep near 300 men continually at hard labour, a large quantity of raw materials must be constantly on hand, ready to supply the workmen. This stock must be purchased on the credit of the agent or the inspectors, unless the legislature appropriate a sufficient sum for that purpose. At the close of the year 1800, the agent was in advance the sum of 15079 dollars and 99 cents. Of this sum, only 12000 dollars were directed to be repaid by the legislature, as it was hoped that the residue would be reimbursed out of the sales of manufactured articles then on hand, amounting to 15228 dollars and 83 cents, after meeting the demands of the current year. Very early, however, in the year 1801, it was perceived, that the proceeds of the manufactured articles were inadequate to defray the ordinary expenses of the Prison, and at the same time to purchase materials sufficient to keep the convicts employed. The agent therefore was induced, on his own credit, for short periods, to purchase all the raw materials and articles wanted to maintain the system in full operation; so that, at the close of this year, he is in advance the sum of 22066 dollars and 16 cents.

This statement will shew the zeal with which the Inspectors have been animated to promote the objects of the institution. Had they declined making the necessary advances, from time to time, the raw materials on hand would have been soon consumed, the convicts would have been left idle, an increased expense created, and the great end of the establishment frustrated. Such exertions have been rendered the more necessary, as, not having sufficient experience to determine the probable proceeds of the business in the course of a year, it was not possible for them to state, with certainty,

the exact sum which might be wanted for stock; and they were disposed to name a sum too little rather than too great. But, however strong their attachment to the public good, and to those principles of benevolence, which induced them to engage in so arduous an undertaking, it cannot be expected that the Inspectors should continue to make further advances. The legislature being now possessed of sufficient facts, by which to calculate with tolerable accuracy, the benefits to be derived from the establishment, and how far it may be maintained with advantage to the State, will, it is believed, grant a sufficient sum to pay the balance of the present year, and appropriate a sum, adequate to the purchase of a competent stock, in raw materials, and for defraying other expenses, beyond what the net profits of the labour of the convicts, for the current year, may be sufficient to discharge. There will then remain at the commencement of the new year, a clear capital to this State of 20,679 dollars and 17 cents, in raw materials, tools, and manufactured goods on hand, besides household furniture, fuel, oil, and other articles, amounting to the sum of 9,745 dollars and 69 cents.

The *net profit* of the labour of the convicts in the year 1799 and 1800, was 6,599 dollars and 70 cents, and in the year 1801, 7,941 dollars and 83 cents produced from a capital employed, not exceeding the amount of 20,000 dollars. This product, in the first three years of an establishment, in which the hands employed were ignorant and inexperienced, and therefore necessarily less productive, will be regarded as no unfavourable result. As the convicts have now become more skilful workmen, and can perform more labour, and to greater advantage than heretofore; as the cost of many articles of food will be diminished nearly one half, in consequence of the fall of the market, produced by the peace in Europe; and as several sources of expense arising from inexperience in the first commencement of the business, will be diminished or dried up, there is reason to conclude, should the balance due the agent be now paid, that the profits of the labour of the convicts during the year 1802, may be rendered adequate to their maintenance.

The actual advance for the last three years, towards the *maintenance &c.* of the convicts, will stand thus:

Advance in 1800,	8000
1801,	12000
say 1802,	22066.16
	<hr/> 42066.16
Amount of goods on hand,	20769.17
Household furniture, &c.	9749.69
	<hr/> 30518.80
Allow for wear, &c, 10 per cent.	3051. 8
	<hr/> 27467.72

leaves Drs. 14598.44 for 3 years, or 4866 dollars and 15 cents, a year. Should this sum be raised out of the profits of the ensuing year, there will then remain only the annual expense of the salaries of the keepers, and of the external guard, to be paid out of the public treasury; as the actual cost of keeping and supporting all the convicts in this populous, flourishing, and extensive State.

Extracts from the *Revised Laws.*

An ACT to prevent Forgery and Counterfeiting.

Passed 21st March, 1801.

L **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That if any person shall falsely make, alter, forge or counterfeit, or cause or procure to be falsely made, altered, forged or counterfeited, or willingly act or assist in the false making, altering, forging or counterfeiting any record, charter, deed or writing sealed, will, testament, bond, writing obligatory, bill of exchange, promissory note for payment of money, or any note or specialty for the payment of money, and expressed to be payable in any goods, wares or merchandizes, indorsement or assignment of any bill of exchange, or promissory note for payment of money, or any acquittance or receipt either for money or goods, or any acceptance of any bill of exchange, or the number or principal sum of any accountable receipt for any note, bill or other security for payment of money, or any warrant or order for payment of money or delivery of goods, whether such order purports to be the order of the owner of the goods or money specified therein, or of some person who claims an interest in the same, or of any other person, with intention to defraud any person, or body politic or corporate whatsoever, or shall utter or publish as true, any false, altered, forged or counterfeit record, charter, deed or writing sealed, will, testament, bond, writing obligatory, bill of exchange, promissory note for payment of money, or any note or specialty for the payment of money, and expressed to be payable in any goods, wares or merchandizes, indorsement or assignment of any bill of exchange, or promissory note for payment of money, acquittance or receipt either for money or goods, or any acceptance of any bill of exchange, or the number or principal sum of any accountable receipt for any note, bill or other security for the payment of money, or any warrant or order for the payment of money, or delivery of goods, whether such order purports to be the order of the owner of the goods or money specified there-

in, or of some person who claims an interest in the same, or of any other person, with intention to defraud any person, or body politic or corporate whatsoever, knowing the same to be false, altered, forged or counterfeited, then every such person being thereof convicted according to the due course of law, shall be deemed guilty of felony.

II. *And be it further enacted,* That if any person shall forge or counterfeit, or be aiding or assisting in forging or counterfeiting, any certificate, or indorsement of the acknowledgment or proof of any deed or writing, made by any officer or other person duly authorized to make such certificate or indorsement, by any law of this state now or hereafter to be made, or the certificate or indorsement of the recording of any deed or writing made by the secretary of this state, or by the clerk of any county, duly authorized to make such certificate or indorsement, by any law of this state now or hereafter to be made, or shall knowingly utter any such forged or counterfeited certificate or indorsement as true, and be thereof convicted by due course of law, shall be deemed guilty of felony.

III. *And be it further enacted,* That if any person shall counterfeit, or cause or procure to be counterfeited, or aid or assist in counterfeiting any certificate, or other public security issued or to be issued by the authority of this state for payment of money, or acknowledging the receipt of money or goods, or any bill of credit heretofore issued by or under the authority of the legislature of this state, or shall alter any such certificate or bill of credit, so that the same shall appear to be of greater value than the same was or shall be issued for, or intended to pass for, by the act in pursuance of which the same was or shall be issued, or shall utter, pass or give in payment, or offer to pass or give in payment, or procure to be uttered, passed or given in payment, any such counterfeited or altered certificate or bill of credit, knowing the same to be counterfeited or altered, then every such person being thereof convicted by due course of law shall be deemed guilty of felony.

IV. *And be it further enacted,* That in all cases where any such certificate or bill of credit shall be charged to have been altered, and it shall appear to have been altered, the same shall be presumed to have been altered from a less to a greater value, sum or denomination, and the burthen of proving that the certificate or bill of credit charged to have been altered, was not altered from a less to a greater sum shall be on the defendant charged with altering the same.

V. *And be it further enacted,* That if any person shall counterfeit, or cause or procure to be counterfeited, or aid or assist in counterfeiting any of the species of gold or silver coins now current, or hereafter to be current in this state, or shall pass or give in payment, or offer to pass or give in payment the same, knowing the same to be counterfeit, then every such person being thereof convicted according to the due course of law shall be deemed guilty of felony.

An ACT declaring the Crimes punishable with Death or with Imprisonment in the State Prison.

Passed 21st March, 1801.

I. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That every person who shall hereafter be duly convicted or attainted of any manner of treason against the people of this state, or of any kind of murder, or of aiding or abetting or procuring any kind of murder to be committed, shall suffer death for the same, and be hanged by the neck until such person shall be dead.

II. *And be it further enacted,* That every person who shall hereafter be duly convicted or attainted of any manner of rape, or of the detestable and abominable crime against nature committed with mankind or beast, or of burglary, or of feloniously breaking into or taking any goods or chattels from any dwelling-house, any person being therein and put in fear, or of robbing any dwelling house, any person being therein, or of robbing

any person in any place whatsoever, or of wilfully burning any dwelling house or any barn, or of any offence specified in the act, entitled *An act to prevent forgery and counterfeiting*, or of any offence specified in the act, entitled *An act to prevent malicious maiming*; and every person who shall aid, abet, assist, counsel, hire or command any person to commit any of the said offences, and be thereof duly convicted or attainted, shall be punished with imprisonment for life in the state prison; and the justices who shall give judgment in any such case, shall upon consideration of all the circumstances thereof, adjudge the offender to imprisonment only, or to be kept in the said prison at hard labour or in solitude, or both.

III. *And be it further enacted*, That if any person shall be indicted of felony, for stealing of any goods or chattels in any county of this state, and thereof be convicted or attainted; if it shall appear upon evidence, and be found by the jury, that the said goods or chattels were taken by robbery or burglary, or in any other manner, in any other county, whereof if such person had been convicted by a jury of such other county, such person would by law be liable to imprisonment in the said prison for life, at hard labour or in solitude, or both; then and in every such case, judgment shall be given that the said offender be imprisoned in the said prison for life, at hard labour or in solitude, or both.

IV. *And be it further enacted*, That every person who shall hereafter be duly convicted or attainted of any felony, other than such as are herein before enumerated and directed to be otherwise punished, and above the degree of petit larceny, and every person who shall aid, abet, assist, hire or command any person to commit any such felony, and be thereof duly convicted or attainted, shall be adjudged by the justices who shall give judgment thereupon, on a consideration of all the circumstances of the case, to imprisonment in the said prison at hard labour, or in solitude, or to imprisonment only, or to all or either of them, for any term not more than fourteen years. *And further*, That every person who shall be a

second time duly convicted or attainted of any of the said last mentioned felonies, committed after such first conviction, shall be adjudged by the justices who shall give judgment thereupon, on like consideration of all the circumstances of the case, to imprisonment in the prison aforesaid, at hard labour or in solitude, or both, for life.

V. And be it further enacted, That every person who shall be guilty of the felonious taking and carrying away of the mere personal goods of another of the value of twelve dollars and fifty cents or under, if unconnected with any other crime, shall be deemed and adjudged guilty of petit larceny only; and where any person shall hereafter be convicted of petit larceny, or of any other felony the punishment whereof is not herein before provided for, or of any assault with intent to rob, murder or commit a rape; or where any person shall buy or receive any goods or chattels of any value whatsoever, that shall have been feloniously taken away or stolen from any other person knowing the same to be stolen, whether the principal be convicted or not; or shall knowingly and designedly, by false pretence, obtain from any other person, any money, goods or chattels or other effects whatsoever, with intent to cheat or defraud any person or body politic or corporate; and every person who shall aid, abet, assist, hire, command or procure any other person to commit any of the said offences, or who shall be accessory to any felony whatsoever after the fact, shall, being convicted of any of the said offences, be punished by fine and imprisonment, or either; or if it shall be deemed proper by the court before whom any such person shall be convicted, that instead of, or in addition to a fine, such person so convicted, ought to be imprisoned for twelve calendar months, or for a longer time, in such case, it shall be lawful for such court in their discretion, to adjudge the person so convicted to imprisonment in the said prison, at hard labour, for any term of time not more than three years. *And further*, That every person who shall be a second time, or oftener, convicted of any offence specified in this section (except the offences of assault with intent to rob, murder or com-

mit a rape) shall be adjudged by the court who may give judgment thereupon, to imprisonment in the said prison, at hard labour or in solitude, or both, for any time not exceeding five years : and that every person who shall be a second time, or oftener, convicted of the offences of assault with intent to rob, murder or commit a rape, or of either of them, shall in like manner be adjudged to imprisonment in the said prison, at hard labour or in solitude, or both, for any time not exceeding eight years.

VI. *And be it further enacted*, That no person sentenced to imprisonment, for any term of time less than twelve calendar months, shall be liable to be imprisoned in the state prison, but shall be confined in the gaol of the county in which such person may be so sentenced.

VII. *And be it further enacted*, That if any person hath been or shall be convicted of any crime, for which such person hath been, or shall be sentenced to imprisonment for life in the state prison, shall break the said prison and escape from thence, and shall thereafter commit any felony, above the degree of petit larceny, then such person, being thereof duly convicted, shall be hanged by the neck until dead.

VIII. *And be it further enacted*, That in case any person hath been, or shall be sentenced to imprisonment in the state prison for any term of years, and shall break the said prison and escape from thence, and be retaken, such person being thereof convicted, shall be deemed guilty of felony, and shall be adjudged to imprisonment and hard labour in the said prison, for double the term of time specified in the original judgment against such person, to commence from the period of the last conviction, notwithstanding the term for which such person was to have been imprisoned may, when such person shall be retaken, have expired.

IX. *And be it further enacted*, That if any person adjudged to be imprisoned in the said prison, otherwise than for life, shall escape from the same, then, as often as such person shall so escape and be retaken, and again

imprisoned in the said prison, the period for which such person was adjudged to be imprisoned in the said prison, shall always be deemed to commence anew from the day when such person shall, after having escaped be retaken and imprisoned again in the said prison, which day shall be ascertained by the inspectors of the said prison; and every such person may be so retaken and imprisoned again, notwithstanding the term for which such person was to have been imprisoned may, when such person shall be retaken, have expired.

X. *And be it further enacted*, That in all cases where any person shall be duly convicted or attainted, of any felony committed after the twenty-ninth day of March, one thousand seven hundred and ninety-nine, or of aiding, abetting, hiring or commanding any person to commit any such felony, and shall be adjudged to imprisonment for life in the state prison, such person shall be deemed and taken to be civilly dead to all intents and purposes in the law.

XI. *And be it further enacted*, That if any person imprisoned in the said prison, otherwise than for life, shall attempt to escape, or shall aid any other person imprisoned in the said prison, in escaping or attempting to escape from the same, such person shall be deemed guilty of a misdemeanor, and shall on conviction be adjudged to be imprisoned in the said prison, for such further term, not for life, after the determination of the term for which such person had, at the time when the said misdemeanor was committed, been adjudged to be imprisoned, as the court shall in their discretion deem proper; and the court, before whom a person may be indicted for the misdemeanor aforesaid, may from time to time, by order of the court to be directed to the inspectors of the said prison, order the defendant in such indictment, and every other person imprisoned in the said prison, being a competent witness, to be brought before them, and also to assign counsel to the defendant, which counsel shall, at all convenient times, be admitted to converse in private with such defendant in the said prison.

XII. *And be it further enacted,* That if any person shall in any manner howsoever, aid or assist any person confined in the said prison, in escaping or attempting to escape from the same, such person shall be deemed guilty of a misdemeanor, and shall on conviction thereof in due form of law, be adjudged to be imprisoned in the said prison at hard labour, for such term of time, as the court in which such conviction may be had, shall in their discretion deem proper, not exceeding ten years.

XIII. *And be it further enacted,* That any person who shall be duly convicted of the crime of perjury, or subornation of perjury, or of aiding or assisting any prisoner lawfully committed to, or detained in any gaol, for any felony whatsoever, in escaping or attempting to escape from such gaol, though no escape be made; or of conveying any disguise, instrument or arms into any gaol to and for the use of any such prisoner so committed or detained as aforesaid, with intention to facilitate his or her escape, though no escape be made, or attempted to be made, shall be punished with imprisonment at hard labour in the said prison; and the court before whom such conviction shall be had, shall upon consideration of all the circumstances of the case, adjudge such person so convicted, to imprisonment in the said prison at hard labour for any term not exceeding ten years, according to the nature and aggravation of the offence.

An ACT regulating certain Proceedings in Criminal Cases.

Passed 21st March, 1801.

I. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That in all cases of treason or felony, where the party indicted shall on being arraigned obstinately stand mute, or refuse to plead and be tried in due course of law, such obstinately standing mute or refusal to plead and be tried as aforesaid, shall be adjudged to be a denial of the facts charged in the indictment, and the trial shall thereupon proceed in like manner, and the record shall be in the

same form, and the same judgment shall be given against the said party, if found guilty, as if such party on being arraigned had pleaded not guilty.

II. *And be it further enacted*, That it shall not be necessary on the arraignment or trial of any person for treason or felony, to ask the prisoner how he will be tried, nor to charge the jury to inquire whether the prisoner fled or not, or what goods or chattels, lands, and tenements the prisoner at any time had.

III. *And be it further enacted*, That no conviction or attainder of any person for any offence specified in the act, entitled *An act declaring the crimes punishable with death or with imprisonment in the state prison*, except treason, shall hereafter work a forfeiture of goods, chattels, lands, tenements or hereditaments, or of any right therein; and that all forfeitures to the people of this state in the nature of deodands, and in cases of suicide, and where any person shall flee from justice, shall be and hereby are abolished.

IV. *And be it further enacted*, That the privilege or benefit of clergy, formerly allowed in criminal cases, shall be for ever abolished.

V. *And be it further enacted*, That where any person hereafter shall be feloniously stricken or poisoned in one county and die of the same stroke or poisoning in another county, then an indictment thereof found by jurors of the county where the death shall happen, whether it shall be found before the coroner upon the sight of such dead body, or before the justices of the peace, or the justices or commissioners who shall have authority to inquire of such offence, shall be as valid in law as if the stroke or poisoning had been given in the same county where the party shall die. *And further*, That the courts of oyer and terminer and gaol delivery in the same county where such indictment at any time hereafter shall be taken, and the justices of the supreme court when such indictment shall be taken or removed before them, shall proceed upon the same in all points as they ought to do in case such felonious stroke or poisoning and death thereby ensuing, had happened in one and the same

same county. *And further,* That where any murder or felony shall be committed in one county, and any other person shall be accessary in any manner to any such murder or felony in any other county, then an indictment found against such accessary for the same at any court of oyer and terminer and gaol delivery, or general sessions of the peace, in the county where such offence of accessary shall be committed, shall be as good and effectual, as if the said principal offence had been committed within the same county, where the same indictment against such accessary shall be found; and the courts of oyer and terminer and gaol delivery in the county where the offence of any such accessary so indicted shall be committed, shall, upon a certificate that the principal is attainted, convicted or otherwise discharged of the principal felony, to be given under the hand and seal of the clerk who has the custody of the records of the same, and which certificate such clerk is hereby required to give on application in writing from either of the judges of the said courts, proceed to try every such accessary in the county where the offence of such accessary was committed, in like manner, as if the principal offence and accessary had been committed in such county, and thereupon to give judgment and award execution according to law.

VI. *And be it further enacted,* That if any principal felon shall be convicted of any felony, it shall be lawful to proceed against any accessary either before or after the fact, in the same manner as if such principal felon had been attainted thereof, notwithstanding any such principal felon shall be pardoned, or otherwise delivered before attainder; and every such accessary shall suffer the same punishment if he be convicted, as he should have suffered if the principal had been attainted. *And further,* That it shall be lawful to prosecute and punish every person buying or receiving any stolen goods, knowing the same to be stolen, as for a misdemeanor, although the principal felon be not convicted of the said felony, which shall exempt the offender from being punished as accessary to such felony after the fact, if the principal shall be afterwards convicted.

VII. *And be it further enacted,* That the justices of the supreme court shall have full power by their discretion to remand and send down, as well the bodies of all felons brought or removed into the supreme court, as the indictments against such felons, into the said counties, where the same felonies were or shall have been committed, and to command all justices of gaol delivery, justices of the peace, and all other justices and commissioners having authority to hear and determine the same felonies, to proceed and determine upon all the aforesaid felons and indictments so removed according to law, in such manner as the same justices of gaol delivery, justices of the peace or commissioners, or any of them, might have done if the said prisoners or indictments had never been brought in the supreme court.

VIII. *And be it further enacted,* That all manner of foreign pleas triable by the country, hereafter to be pleaded by any person arraigned upon any indictment for any treason or felony, shall be forthwith tried before the same justices before whom such person shall be arraigned, and by the same jurors of the same county that shall try the treason or felony, whereof he, she or they shall be so arraigned without any further delay in whatsoever county or place the matter of the same pleas be alledged.

IX. *And be it further enacted,* That every person arraigned for any crime punishable with death, or with imprisonment for life, shall be admitted on his trial to a peremptory challenge of twenty jurors, and no more.

X. *And be it further enacted,* That no indictor of any person for any crime or offence whatsoever shall be put upon the inquest for the trial of such person, if he be challenged for that cause by the person so indicted.

XI. *And be it further enacted,* That every person who shall be arraigned or tried for any felony, shall be admitted to make any proof that he or she can produce by lawful witnesses who shall then be upon oath, for his or her defence in that behalf, and shall have the like process of the court where he or she shall be tried to compel his or her witnesses, to appear for him or her at

such trial, as is usually granted to compel witnesses to appear against him or her.

XII. *And be it further enacted*, That from henceforth the words *with force and arms*, or any such words, shall not of necessity be put in any inquisition or indictment of treason, felony, trespass or any other offence, and that no party being hereafter indicted of any offence shall take any advantage by writ of error, plea or otherwise to annul or avoid any such inquisition or indictment because the words *with force and arms* or any such like words are not put into the said inquisition or indictment.

XIII. *And be it further enacted*, That if any felon do rob or take away any money, goods or chattels from any person, and the said felon be thereof indicted and found guilty, or otherwise attainted by reason of evidence given by the owner of the said money, goods or chattels so robbed or taken away, or by any other by his procurement, then such owner shall be restored to his money, goods or chattels, and the court before whom the felon shall be so convicted may award writs of restitution for the said money, goods or chattels.

XIV. *And be it further enacted*, That every person who shall be lawfully committed to the common gaol in any city or county of this state, for any crime or misdemeanor, having means thereto, shall bear his or her own reasonable charges for conveying him or her to the said gaol, and the charges also of such as shall be appointed to guard him or her to the said gaol, and shall guard him or her thither. And if any such person so to be committed as aforesaid shall refuse at the time of his or her commitment, and sending to the said gaol to defray the said charges, or shall not then pay or bear the same, then any justice of the peace of the county shall by writing under his hand and seal, after conviction of the person so committed, give warrant to any constable of the town where such person so committed shall inhabit, or where he shall have any goods within the same city or county, to levy by distress and sale of the goods and chattels of the said person so to be committed, so much money as by the discretion of the said justice shall pay

the charges of his or her conveying and sending to gaol; and when any person not having goods or money within the city or county where he or she shall be taken, sufficient to bear the charges of himself or herself and of those who convey him or her, is lawfully committed to gaol, then on application by any constable or other officer who conveyed him or her to gaol as aforesaid, to any justice of the peace for the same city or county, the justice shall upon oath examine into and ascertain the reasonable allowances to be made to such constable or other officer both for his expences and trouble, the said allowances for trouble not to exceed six cents for each mile that he shall travel to convey the said offender to gaol as aforesaid; and the said justice shall forthwith without fee or reward, by warrant under his hand and seal, order the treasurer of the city or county to pay the same, which the said treasurer is hereby required to do as soon as he receives such warrant and shall have monies in his hands.

XV. *And be it further enacted,* That it shall be in the power of the court before whom any person shall have been tried and convicted of any larceny or other felony, at the prayer of the prosecutor and on consideration of his circumstances, in open court to order the treasurer of the city or county in which the offence shall have been committed, to pay unto such prosecutor such sum of money as to the same court shall seem reasonable, not exceeding the expences which it shall appear to the court the prosecutor was put unto in carrying on such prosecution, and making him a reasonable allowance for his time and trouble therein. And that when any poor person shall appear on recognizance in any court to give evidence against another accused of any larceny or other felony, it shall be in the power of the court at the prayer and on the oath of such person, and on consideration of his circumstances, in open court to order the treasurer of the city or county in which the offence shall have been committed, to pay such sum of money as to the said court shall seem reasonable, for his time, trouble and expence; which order in either case the clerk of such

court is hereby directed forthwith to make out and deliver to such prosecutor, upon being paid for the same the sum of twelve and an half cents and no more, and to such poor witness without fee or reward; and the treasurer of such city or county is hereby required upon sight of any such order, or as soon after as he shall have monies sufficient in his hands, forthwith to pay to such prosecutor or witness, or other person authorized to receive the same, such sum of money so ordered to be paid as aforesaid.

XVI. *And be it further enacted*, That the treasurer of each city and county shall be allowed in his accounts all such sums as he shall pay upon any such order as aforesaid, which sums shall be considered as part of the contingent charges of such city or county. And that the several treasurers may be enabled to comply with such orders, the supervisors of the several counties are hereby required to cause a sum sufficient for the purposes aforesaid, to be raised, levied and collected in their respective counties yearly, in the same manner as the contingent charges of the same counties are to be raised, levied and collected.

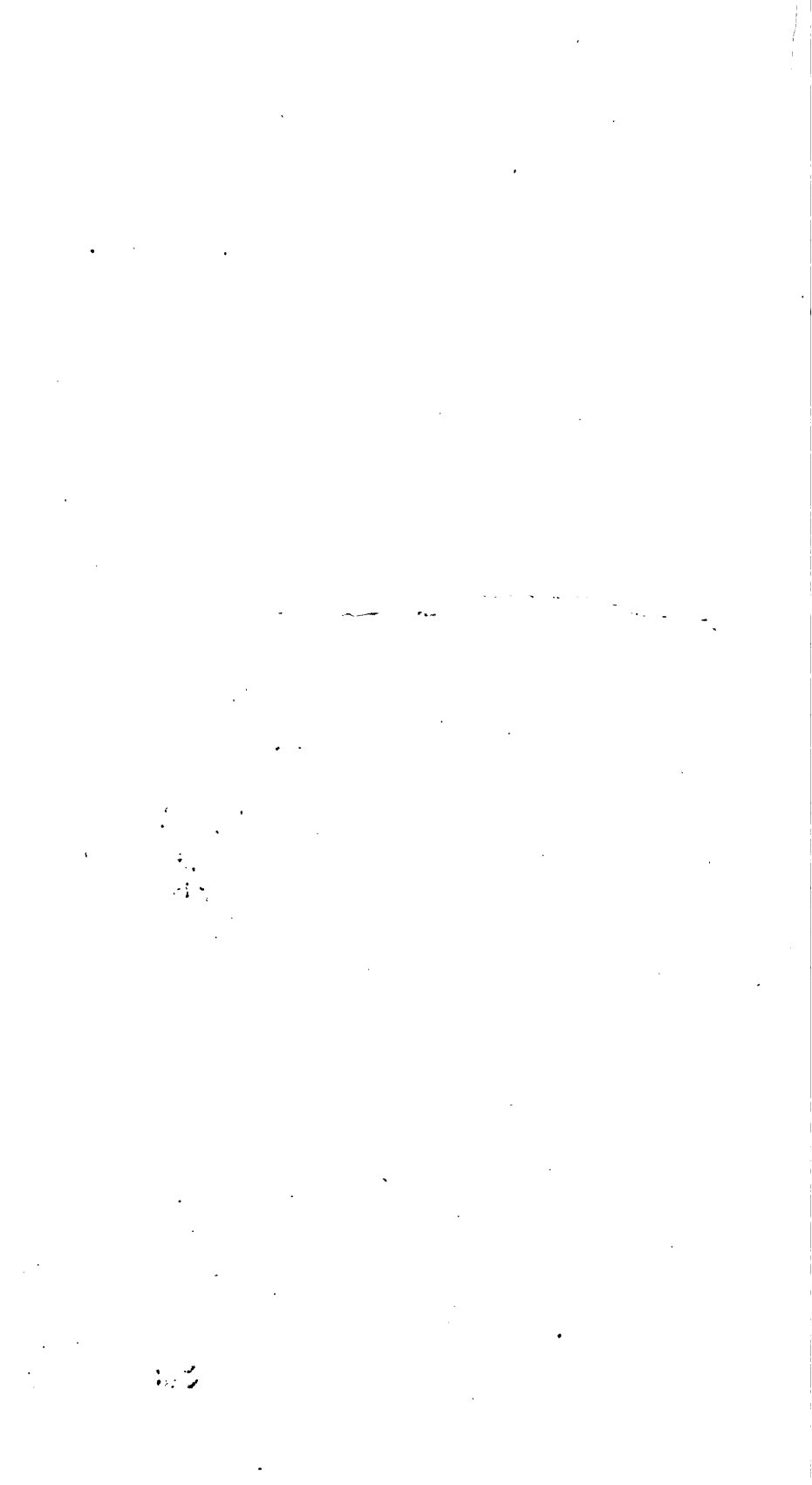
XVII. *And be it further enacted*, That when any person shall be convicted of and fined for any crime or misdemeanor, the court may in their discretion allow such expences to witnesses and prosecutors out of the same fine, as such court shall judge reasonable, not exceeding the sum of twenty-five dollars; and shall cause an entry thereof to be made in the minutes of the court, and the clerk in the estreat thereof shall mention the same, in order that the court of exchequer may know how much of the said fine is to be answered to the people of this state; and when such fine is paid to the sheriff or other officer he shall pay such expences so allowed out of the same.

XVIII. *And be it further enacted*, That in all cases where a person shall on the complaint of another be bound by recognizance to appear, or shall for want of surety be committed, or shall be indicted for an assault and battery or other misdemeanor, the injury and dam-

age of the party complaining and not charged to have been done riotously, or with intent to commit a felony, or not being an infamous crime, and for which there shall also be a remedy by civil action, if the party complaining shall appear before the magistrate, who may have taken the recognizance or made the commitment, or before the court in which the indictment shall be, and acknowledge to have received satisfaction for such injury and damage, it shall be lawful for the magistrate in his discretion to discharge the recognizance, or supercede the commitment, and also to discharge the recognizance which may have been taken for the appearance of witnesses in such case, or for the court also in their discretion to order a *noli prosequi* to be entered on the indictment as the case may require, upon payment of costs: *Provided always*, That this act shall not extend to any assault and battery or other misdemeanor committed by or on any officer or minister of justice.

XIX. *And be it further enacted*, That in all cases of felony heretofore committed or which may hereafter be committed, it shall and may be lawful for any person or persons injured or aggrieved by such felony, to have and maintain his, her or their action against the person or persons guilty of such felony, in like manner as if the offence committed had not been felonious; and in no case whatever shall the right of action of the party injured be deemed, taken or adjudged to be merged in the felony or in any manner affected thereby.

XX. *And be it further enacted*, That all appeals of felony shall be and hereby are abolished.



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